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THE

HISTORY

OF

SCOTLAND,

FROM THE

UNION OF THE CROWNS

ON THE

ACCESSION OF JAMES VI. TO THE THRONE OF ENGLAND,

TO

THE UNION OF THE KINGDOMS

IN THE REIGN OF QUEEN ANNE.

THE SECOND EDITION, CORRECTED.

37768

WITH A

PRELIMINARY DISSERTATION

ON THE PARTICIPATION OF

MARY, QUEEN OF SCOTS,

IN THE MURDER OF DARNLEY.

BY MALCOLM LAING, ESQ.

IN FOUR VOLUMES.

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THE

HISTORY

OF

SCOTLAND.

BOOK I.

Accession, and Departure of James from Scotland—State of that Kingdom—Union, and ecclesiastical Conformity attempted—Retrospective View of Presbytery—Revival of Prelacy—State of the Borders; Highlands, and Isles—Discoveries concerning Gowrie's Conspiracy and Balmerino's Treason—Ecclesiastical Affairs—King's Journey to Scotland—Articles of Perth—Death and Character of James.

THE marriage of James IV. and of Margaret, eldest daughter of Henry VII. was productive at first of a temporary alliance, and at the distance of a century, of a permanent union between Scotland and England. After the first generation, the issue of Henry had terminated in females, and on the death of Elizabeth his grandchild, the blood of the Tudors existed, almost exclusively, in the veins of the Stuarts. James VI. of the Stuarts, and the third in descent from Margaret and

BOOK I. 1503. Descent.

BOOK I.

James IV, had been placed while an infant on the throne of Scotland, which his unhappy mother was forced to resign; but he had attained to a mature age, at the period of his succession to the English crown. The design of this History is, to describe the domestic transactions of Scotland, and the relative events with which they were occasionally connected in England, from the union of the two crowns under James VI. to the union of the kingdoms in the reign of queen Anne.

1503.

1567.

Accession of James.

It is seldom that the accession of a foreigner is tranquil, and James was peculiarly obnoxious from his birth-place, to the antipathy of a people, among whom his mother had suffered an ignominious death. But his accession was promoted by the expectations of every religious, and by the interests of almost every political party in England.

1603.

The puritans, who had experienced his friendly intercession with Elizabeth, anticipated a reformation in the church, if not the downfal and destruction of the hierarchy, from a prince whose professed religion was congenial with their own.[1] The established clergy had examined his character with more anxious attention; and discovered, both in his conduct and in his controversial discourses, a strong predilection for the episcopal order.[2] The catholics, then a numerous and powerful party, expected greater indulgence in their religion; and entertained a persuasion, that its doctrines and its votaries were secretly not indifferent to a monarch,

[1] Fuller, 221. [2] Calderwood, 246.

the pretensions of whose family they had first supported, and whose mother they regarded as a martyr to their cause. But his peaceful and undisturbed accession must be ascribed to the absence of every competitor, by whom his title could be contested, or the affections of the nation be preoccupied or divided. Hereditary right was securely established, by an uninterrupted succession of five reigns. The formidable power of the ancient nobility had been crushed by the Tudors; and their aspiring ambition had departed with their power. Elizabeth had acquired an ascendancy, almost absolute, in Scottish affairs, and her statesmen were reduced, by her death, to the singular alternative either of receiving James as their sovereign, or of relinquishing their ascendancy over a country long subservient and devoted to their councils. The danger of a disputed succession was justly apprehended; nor did it escape the sagacious observation of Cecil, that the submission of England to a Scottish monarch would be recompensed by the ultimate acquisition of his kingdom. During the last years of Elizabeth, her courtiers and statesmen were seduced by the intrigues, and devoted secretly to the interest of her successor; and if a few[3] were averse from the Scottish line, or desirous to receive it under certain limitations, their share in the recent destruction of Essex had rendered them unpopular, and therefore weak.

[3] Cobham, Raleigh, Fortescue.

BOOK I. 1603. to the throne of England.

From these circumstances, more than from Elizabeth's nomination, the throne was already secured to James: but the privy council, before they ventured to proclaim her successor, affected to consider her last declaration as a bequest of the crown. While they continued to deliberate, Sir March 24. Robert Carey escaped from the palace, and by means of previous relays of horses, arrived at Edinburgh on the third day. The king had already retired to rest; but the messenger was admitted immediately to the bed-chamber, and saluting James, on his knees, as king of England, announced the glad intelligence of Elizabeth's death. As her sickness and danger were previously known, the intelligence was neither unexpected, nor received with any intemperate expressions of joy. But the king was not as yet assured of his own succession. After an anxious interval of three days, his apprehensions were relieved by the arrival of Sir Charles Percy, and of Somerset, the earl of Worcester's son, dispatched by the privy council to notify the death of Elizabeth, and the proclamation of her successor; and to assure him that all ranks acquiesced in his title, and languished for his presence.[4] His accession was immediately proclaimed in Scotland. The people were admonished, that as the English were obedient subjects of the same monarch, all national animosities must henceforth cease: but the predatory habits of the borderers

[4] Johnstoni, Hist. p. 360. Spottiswood, Hist. p. 473. Carey, earl of Monmouth's Memoires.

nufactures are not to be expected: those of Scotland were confined to a few of the coarsest nature, without which the poorest nations are unable to subsist[7]. The state of agriculture was languid and stationary, obstructed, even in the southern provinces, by the oppressions of the landlord, the dependence of the farmer, and by the poverty of both; but its condition was still worse in the northern counties, where the peasant extracted a scanty pittance from a soil exhausted by constant tillage. The nobility disdained, or obeyed with reluctance, the decisions of justice. They continued to prosecute their deadly feuds; to abet the most desperate crimes of their retainers; and, under their numerous hereditary jurisdictions, to extend their oppressions, their power, and dependencies beyond the circle of their respective vassals. Their feuds were inveterate; and their revenge was frequently dishonest and insidious. The sanguinary troubles of a female reign, and a long minority, had perverted or extinguished their sense of morals, and had discovered, during a religious age, that no religion can compensate the absence or the relaxations of justice.

A distracted country, the poverty of which presented to industry no adequate reward, or even occupation, had already been deserted by many of the natives, who, penetrating into the remotest regions, acquired, or perhaps revived among fo-

[7] Craig de Unione Tractatus, p. 237—44; MS. in the Advocate's Library.

BOOK I 1603.

reigners, the national appellation of a vagrant race. Their numbers multiplied rapidly in Poland, whose plains they traversed in large caravans; whose internal trade they divided with the Jews; and by the luxury of whose nobles they were perpetually returning enriched from the continent[8]. But a large portion of Scotland retained the primitive ferocity of its savage state. The Isles are represented as *utterly* barbarous; the Highlands as barbarous, yet not insusceptible of a slight civilization. The former, an occasional asylum for pirates, scarcely acknowledged a nominal subjection to the Scottish crown; and the clans of the latter exhausted their rude valour in mutual slaughter, or infested the adjacent lowlands with slight depredations. From a constant warfare, the inhabitants of the Borders were equally barbarous, and from their vicinity, far more formidable to government. From their strength and turbulence, James had early presaged that his successor, unless possessed of the whole of Britain, would soon be bereft of its northern extremity, and of his own anointed head; a prediction destined to be strangely verified, by the acquisition of that kingdom of which he was so desirous[9].

[8] Bacon's Works, vol. ii. p. 175; from which it appears that they were numerous in Poland before the accession. Carte (Hist. vol. iii. p. 770) asserts, that from the accession till the death of Charles I. 200,000 *families* had emigrated to Livonia! as if the population of the country could have supplied an annual emigration of 4000 families, or 20,000 persons.

[9] King James' Works, 159.

BOOK I. 1604.

The situation of Scotland had been ineffectually regretted, and the redress, or the alleviation of its miseries, was reserved by James for the plenitude of his power, and the harmony promised by the union of the crowns. His recent elevation exempted him from the factious control of the nobles: his revenues were sufficient, by a judicious application, to invigorate the industry, and his power to repress the disorders of Scotland. But he proposed to the Scots, as preliminary to every national improvement, and to the English, as necessary to consolidate a divided empire, that the two kingdoms should accede to an incorporating union, and to an equal communication of their respective rights[10]. The measure was first recommended to the English parliament, and in a conference between both houses, Ellesmere, the chancellor, procured with difficulty the nomination of forty-four commissioners to treat with the Scots.

Union proposed.

When the Scottish parliament assembled at Perth, the nobility, on the first proposition of an union, were alarmed for their privileges, or apprehensive of their future subjection to England. Frequent consultations were privately held, and, at last, when they were admonished by the king, that their prompt obedience alone could avert his displeasure, their haste to exculpate themselves by the appointment of commissioners, announced that they were no longer equal to a contest with

A parliament. July 11.

[10] King James' Works, 448.

BOOK I. 1604.

their sovereign, even when absent[11]. Thirty-six commissioners were chosen to co-operate with those of England, in concerting the union; but the independency of the Scottish monarchy was to be preserved entire, and any alteration of its fundamental laws and constitution was prohibited. The parliament was secretly averse from the union, and affected to consider it as limited to the removal of such statutes and local usages as might perpetuate the memory of past hostilities, or generate future animosity between the two kingdoms[12].

Treaty of union.

The commissioners assembled at Westminster; and after repeated conferences, productive only of minute regulations, their progress was interrupted by unforeseen debates. A free interchange of rights, a common legislature, the same laws against state offences, were sufficient of themselves to complete the union. But the commissioners adhered invariably to their national prejudices. The Scots were tenacious of their independence, and unwilling to descend to the secure, though subordinate station of a dependent province of the British empire. To the poverty of a proud aristocracy, commercial privileges were not objects sufficient to recompence the surrender of their personal importance, or of their share in the legislature; and expecting every benefit from the accession alone, they were apprehensive that an union

[11] Johnst. Hist. 388. State Papers, MS. in the Advocate's Library.

[12] Parl. 17 James VI.

would diminish their influence, and impair their claims on the munificence of their sovereign. The commons, as yet insignificant, and, with the rest of Europe, open to their adventurers, were insensible to the advantages of a trade with England. The temptation of a colonial trade had not then an existence; and the improvement of their country, from the admission of its rude produce into the English markets, was understood so imperfectly, or so little foreseen, that in the preliminary articles, sheep and black cattle, together with wool, hides, leather and yarn, were prohibited or reserved from exportation, for the internal consumption of the respective nations. But the removal of the seat of government to England, while the absence of the court was severely felt and regretted in the metropolis, affected all ranks as a violent and a dangerous experiment, of which the detriment was certain and extensive, and the beneficial consequences precarious and remote[13].

BOOK I. 1604.

Nor were the English commissioners less influenced by national prejudices. Instructed perhaps by the prodigality of their sovereign, they proposed an uniformity of laws as the basis of an union, and when the Scottish commissioners rejected an ignominious servitude to the laws of England, the English refused to communicate on other terms their rights to aliens, who were recently their enemies, and still their rivals. In the

Obstacles to its success.

[13] Spottis. Hist. 481. Journals of the Commons, vol. i. p. 318. Craig, de Unione, 238—42. MS.

BOOK I. 1604.

next century, their posterity discovered, what experience was certainly not necessary to prove, that if the relative obligations to government are the same, uniformity of religious or municipal laws is not essential to an incorporating union. To obliterate those laws which custom and positive institutions have accumulated, is impracticable, except in a conquered country; and to substitute a different jurisprudence, unknown to the people, and irreconcileable perhaps with their private rights, would be productive of universal confusion and dismay: but the English commissioners were actuated by an obvious desire to reduce a rival state to subjection, or to oppose an insurmountable obstruction to an union. The alternative was proposed, as a rapid influx of Scots was apprehended, from a measure which opened the trade, the universities, the church, and the most lucrative, or dignified offices of government in England, to the industrious ambition of a favoured nation. Antipathies which the intercourse of another century was insufficient to eradicate, were then entire and vigorous;[14] and the English, engaged in no continental wars, and ambitious of no foreign alliances, were indifferent to the additional strength, the accession of territory, and above all to the internal and profound security to be derived from an union, which in the next century, their apprehension of a separate succession to the two kingdoms was requisite to accomplish.

[14] Craig, de Unione, 138, MS.

On the interposition of James, two conciliatory propositions were adopted: 1. that the privileges of subjects should extend in each kingdom to those whose birth was posterior to the accession; 2. that the present inhabitants should be received as denizens, capable of inheritance, but excluded, at least till the union were accomplished, from a voice in the legislature, from a share in the administration of justice, and from any office under the executive department of government[15]. These propositions were reserved for the consideration of parliament, but an interval of two years was suffered to elapse before the question of an union was again resumed. In the English parliament the lords were disposed to co-operate with their sovereign in promoting the union; but the commons were jealous of his Scottish favourites, tenacious of their privileges, and still actuated by national antipathies. Of the articles prepared by the commissioners, the abolition of hostile laws was alone adopted. Commercial intercourse, and a mutual naturalization, were subjects frequently agitated, and at length abandoned in despair. When we examine the debates of the commons, as their motives were of an invidious nature which it was necessary to dissemble, we discover, instead of an impartial consideration of the subject, arguments derived from the turbulent disposition of the Scots, whose government, from its extreme

BOOK I. 1604. Union postponed;

[15] Winwood's Memorials, vol. ii. p. 37, 38. Craig, de Unione, p. 65, MS.

BOOK I. 1604.

freedom, was irreconcileable with that of England; or from the refusal of the Scottish parliament to relinquish the fundamental laws of the realm. Sir Francis Bacon, who alone seems to have comprehended the nature, or importance of an union, maintained in vain, that no uniformity was requisite in laws or religion, but that the English monarchy would become truly formidable, "with Scotland united, Ireland reduced, the Low "Countries contracted, and the navy supported." James represented in vain, that the laws, like the language of Scotland, were congenial, and would assimilate easily with those of England; that the people were more submissive to his pen than to the sword of his progenitors, and that their parliament, whose form was far from popular, deliberated on no subjects without his permission. The commons remained inflexible. Their opposition was increased by the refusal of the lords to abolish purveyance, and their speeches intimated, in a classical adage, that the Scots were an happy nation, as the presence of a court was oppressive to the country within which it was held.[16]

abandoned.

From the judges, however, a declaration of some importance was obtained. On the principle that an alien is born in allegiance to a foreign prince, the *postnati*, born since the death of Elizabeth, as their allegiance was indiscriminately due to James,

[16] *Procul a numine, procul a fulmine.* Journals of the Commons, vol. i. 335. vii. 67. Bacon's Works, vol. ii. p. 182. James' Works, 119—22. Craig, de Unione, 84, MS.

were declared to be freely naturalized in either kingdom.[17] The *antenati*, whose birth preceded the accession, remained in their original situation of aliens. The union, a premature, and therefore an impolitic attempt, terminated thus in a federal alliance between the two kingdoms, tacitly established, by a voluntary submission to the same monarch, and a mutual suppression of all hostility.[18]

Ecclesiastical conformity proposed.

To obliterate the animosities, and to incorporate the inhabitants of kingdoms, formerly hostile and still discordant, were magnificent objects, of which we may truly affirm, that the reciprocal advantages were too remote to be descried by James, or to be pursued with much solicitude by his ministers. That turbulent liberty which had raised him prematurely to the throne of Scotland, had repeatedly circumscribed his power, and controlled his prerogative. The more civilized state of the English nation, their obedience to the laws, and implicit acquiescence in the government of Elizabeth, had attracted his early notice, and inspired a vague desire to inculcate, on his accession, the imitation of their manners, in order to transfuse a portion of their submissive spirit into the untractable Scots[19]. It was from a different and secret

[17] The *postnati* were naturalized, not because they were subjects of the king, as king of England, but generally, because they were subjects of the king. See this argument in Bacon's case of Calvin, vol. ii. p. 514. Lords Journals, vol. ii. p. 476.

[18] Spottisw. 505. Parl. 19 James VI. unprinted acts.

[19] James' Works, p. 188. "It was not his desire," he observed on another occasion, "to deprive England of its laws,

BOOK I. 1604.

motive, that his crude and imperfect conceptions of an union were improved and accelerated by his English ministers. His offspring was neither numerous nor healthy; and as the crown of Scotland devolved, on the failure of his children, to the marquis of Hamilton, the eventual separation and loss of that kingdom were to be prevented by an immediate incorporation with England. That his motive was the increase and stability of the regal power, is attested by his avowed hostility to the Scottish church. A religious was superadded to a civil union, and under the pretext of a laudable conformity, episcopal government was again introduced. The consequences were so memorable in the succeeding reigns, that it is neceſſary to explain, and to deduce from their origin, the *form* and the *spirit* of presbyterian discipline, long regarded as obnoxious to monarchy, hateful and ultimately disastrous to the Stuarts.

but to lay Scotland subject to the same laws:—he did desire that they should be subjected both to one rule and to one law." Journals of the Commons, vol. i. 314. "I mean of such a general union of laws as may reduce the whole island, that as they live already under one monarch, so they may be governed by one law." James' Works, 512. His intention evidently was to introduce the English law into Scotland; and although suggested by Bacon, I doubt if his ideas extended beyond that object, to an union of legislatures, of which no trace is contained in his works. Craig, who wrote under his directions, considered it as essential to an equal union, that each nation should retain its own parliament. De Unione, p. 257, MS.

The forms of ecclesiastical government have been modelled, in general, after the civil establishments on which they were constructed. Thus, the gradations of episcopal jurisdiction and dignity coincided originally with the provincial magistracies of the Roman Empire. After the reformation, they were retained in Germany and in the kingdoms of the North, as congenial to monarchy, but rejected in Switzerland and Holland, as a domination neither consonant to the humble and fraternal parity of the primitive christians, nor compatible with the spirit of a republican government[18]. Pre-eminence of sacerdotal rank was abolished; the church was established on the equality, not on the regular subordination of its pastors; and when transplanted from Geneva to Scotland, the institution was productive of a singular alliance between a republican church and a monarchical state. But the equality in the Scottish church was at first imperfect. On the death of the queen regent, when the reformation had acquired a permanent and legal establishment, ten or twelve superintendents were proposed by Knox, to inspect the deserted sees of the bishops, to repeople the churches with suitable pastors, or by their own labours to propagate the gospel in every corner of the vineyard of Christ. This institution, so fruitful afterwards as a polemical topic, has been assumed as a proof that the Scottish church was founded at first on a moderate imparity, and regulated by

Retrospective view of Presbytery.

An 1560.

[18] See Robertson's Hist. of Scotland, p. 148.

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the authority of an infant hierarchy[19]. But the superintendents, whose jurisdiction was limited to spiritual admonition, were themselves amenable to their provincial clergy; and their office was expressly a temporary expedient, created to remedy or supply the scarcity of established clergy[20]. They were selected from the clergy by a popular election, and were rewarded with a small additional stipend; but half their number, from the difficulty of procuring that small addition, remained incomplete[21].

Such was the situation of the church above twenty years; superintended by responsible overseers, and regulated by synodical and general assemblies. The popish bishops were permitted to retain their temporal dignities, and a proportion of their revenues; and a few converts might aspire to the superintendence of their former dio-

[19] Guthrie's Mem. p. 1.

[20] "Because we have appointed a larger stipend to them that shall be superintendents, we have thought good to signify such reasons as moved us to make a difference *at this time*. We have thought it most expedient *at this time*, that from the godly and learned men *now* in the land, ten or twelve be selected." First book of Discipline, wherein the mode of election, and the office and powers of superintendents are prescribed and explained.

[21] Their numbers never exceeded five; namely, Spottiswood the archbishop's father, Winram, Willock, Erskine of Dun, and Creswell, superintendents of Lothian, Fife, Glasgow, Angus, Argyle and the Isles. Their districts corresponded nearly, but not exactly, with the former bishopricks. —Calderwood's Hist. p. 27.

ceses. Their spoils, however, were engrosse by the nobles. Morton, the regent, on obtaining a grant of the revenues of St. Andrews, bestowed the see on a needy dependent, to whom he afforded a slender stipend; and the same expedient was adopted whenever an episcopal benefice became vacant. An assembly of the church, intimidated or dependent on the regent's protection, was satisfied with protesting that the measure should subsist only during the king's minority, till a purer constitution might be expected from parliament. Without revenues and without authority, those titular bishops could neither escape contempt, nor resist the jurisdiction of the national church. Their visatorial powers were circumscribed or suspended; their office was declared inconsistent with the gospel, and their name an appellation equivalent to pastor, and applicable to every presbyterian minister[22]. BOOK I. 1604. An. 1572.

The hostilities waged against prelacy, subsisted with little interruption, till the murder of the *bonny* earl of Murray; which, as it was perpetrated by Huntley, and ascribed to the king's jealousy, or to Maitland the chancellor's instigation, rendered the court unpopular, and the church triumphant. Its discipline and its liberties were then recognized, and confirmed by parliament[23]. Its radical jurisdiction was lodged in the sessions, or Form An. 1592.

[22] Spottisw. 260. Calderwood, 55, 8. 64. 81. Second Book of Discipline.

[23] Parl. 12 James VI. chap. i.

BOOK I. 1604.

parochial assemblies, in which the minister presided over lay-elders, selected to consult the spiritual interests of the congregation, and to inspect the religious deportment of its members. From the influence of this censorian institution, in each parish, a strict and general conformity was established in Scotland; the zeal for presbytery was preserved alive; and the most important revolutions were effected among the people[24]. Churches, united from their vicinity into the same *classis*, furnished a presbytery of ministers and lay-elders, who possessed a superior though derivative jurisdiction, and in the superintendence of the district, in the determination of censures and appeals, in the admission, the suspension, and the deprivation of pastors, exercised every episcopal function. The presbyteries were subordinate to provincial synods, similarly constituted; but the supreme jurisdiction resided in the general assembly of the church; a national convocation of the clergy and the laity, deputed from presbyteries, universities, and towns. A right to annual, and, on important emergencies, to occasional assemblies was confirmed to the church; and the presbyterian frame of government exhibited, in a connected gradation of elective judicatures, the ideal model of a perfect republic. The professional spirit which the frequent intercourse of the clergy generates, that spirit which prosecutes the exclusive aggrandizement of a peculiar order, was tempered by a ju-

[24] Baxter's Life, Part iii. p. 67.

dicious intermixture of the laity. The independence of the clergy was secured by moderate and equal provisions; and its extreme frugality should still recommend the constitution of the church, as the cheapest establishment, if not the most economical dispensation of the gospel. But the clergy were dignified, not degraded, by an honourable poverty remote from indigence. Satisfied with their humble mediocrity, they renewed the instructive examples of ancient sages; and, in a refined and luxurious age, amidst the pursuits of a commercial people, their lives might inculcate this salutary lesson, that happiness resides in a contented mind, and acknowledges no dependence on wealth and splendor.

and spirit of the presbyterian church

The experience of a century demonstrates, that the genius of presbytery can repose in peace under the tranquil shade of a limited monarchy. But its spirit and its form were alike distasteful, and offensive to James. The reformation, effected in other nations by the conversion of the sovereign, was accomplished in Scotland by the sword of the congregation, in opposition to the authority and arms of the crown. Opposition to the civil magistrate leads mankind to investigate the popular foundations of government. The resistance of the congregation was justified by numerous examples from Scripture: but the degradation of the unhappy Mary was vindicated by the classical pen of Buchanan, the first modern who established the authority of the sovereign on the con-

BOOK I. 1604.

sent of the people; and asserted their natural, inalienable right to resist oppression, and to chastise the oppressor. His doctrines struck a vigorous root in the nation; and their branches, watered by the benedictions, were trained and cherished by the care of the church[25]. But the principles of Buchanan made no durable impression on his pupil, whose mind, accessible and prone to the adulation of his courtiers, was corrupted with an early passion for arbitrary power. As a scholar and a theologist, it was incumbent on James to maintain his despotical tenets in controversy; and we may affirm, that the divine, indefeasible right of the Stewarts, originated equally from a desire to establish his supremacy over the church, and to impose an arbitrary power on the nation. His supremacy had ever been disclaimed in the church, whose independence was protected by the exclusive allegiance due to Jesus, its spiritual king. But a new doctrine was advanced by James; that monarchs were placed on the temporal throne of God, as vicegerents of heaven and gods on earth, and that they were not responsible, even for their

[25] Buchanan, de Jure Regni apud Scotos.—In the general assembly the right of resistance was debated publicly as an abstract question between Knox and Secretary Lethington. Knox's Hist. 315. The university of St. Andrews intermixed with its course of theology, political discussions on the preference of elective, or hereditary monarchies; the extent or nature of the royal prerogative; and the right of parliament to censure the misconduct, or to revoke the delegated powers of the sovereign. Spottisw. 447.

crimes, to a people subjected by divine appointment to their spiritual authority and their temporal power[26].

hostile to James.

A church independent, or professing itself independent of the civil power, and whose legal establishment was acquired from resistance, could neither acknowledge the divine right which the monarch arrogated, nor inculcate that implicit submission which he exacted from the people. As its spirit counteracted these debasing doctrines, its democratical polity incurred the aversion of James; an incurable aversion, embittered by the frequent opposition of the clergy, by their ascendency over the people, and by their censures, directed, often with truth and always with asperity, againſt the vices of the court or the conduct of the sovereign; against his lenity to papists, and his attachment to unworthy or unpopular favorites. From the form, his aversion extended to the rites of the church. The simplicity of its worship was neither aided by the ornamental, nor adulterated by the superstitious ceremonies of the church of Rome. The crosier and the mitre were inconsistent with the

[26] In the true law of free monarchies, published in 1598, James maintains that Samuel or God gave a king to the Jews; a pattern for all christian monarchies, whose established succession it is impious to invert. "For the poorest schoolmaster cannot be displaced by his scholars, much less the great schoolmaster of the land by his subjects." He admits that tyrants should not escape unpunished; but is satisfied with remitting them to the scourge of God, "the sorest and sharpest schoolmaster that can be devised."

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professed equality of presbyters: the cope, the surplice, and the stated observance of fasts and festivals, were rejected as the badges or memorials of an idolatrous religion. The ministers were seldom decorated, even in the pulpit, with robes. Their prayers were the extemporary effusions of the spirit; their sermons were premeditated rather than pre-composed; and the intervals were filled with a rude psalmody, more acceptable, as we may presume, from its piety than from its music. A worship accommodated solely to the intellect, and disclaiming whatever might gratify, or allure the senses, was not more remote from superstition than it was congenial with enthusiasm. The votary, whose fervor was not arrested by any external and adventitious objects, or chilled by the repetition of an accustomed formulary, pursued his unshackled devotions in strains of rapture; or, if these were found unattainable, indulged in dark and dismal presages of future misery. As our sins are infinite, our merit nothing, as perdition is general, and redemption the portion only of a chosen few, to be forfeited daily, a fanatical melancholy began to predominate, and, as the contagion descended from the preacher to his audience, an habitual gloom overspread the nation. At first it appeared inoffensive to James. But the austere fanaticism, which was justly contemptible, soon became odious: simplicity of worship was brought into disrepute, in the estimation of James, by the English ritual, and his mind was already in secret

alienated from a church, which he regarded as irreconcilable to absolute power, if not as hostile to monarchy itself. Forgetful of repeated promises, to preserve inviolate the liberties and forms of the Scottish church, he had long meditated how to restore the hierarchy, and to introduce the rites and ceremonies of the church of England[27].

Revival of prelacy.

The revival of the hierarchy had been indirectly attempted before the accession; but the clergy descried the "horns of the mitre," which they lopt off with the most industrious zeal[28]. Jurisdiction, pre-eminence, and even the name of bishop, were carefully withheld from such commissioners of the church, as the king should appoint to episcopal benefices, from candidates recommended by the assembly to represent the ecclesiastical estate in parliament. Their benefices neither extended their charge, nor enlarged their authority: within their respective congregations they officiated as pastors; but beyond these limits their usurpations were severely repressed and punished: their instructions were dictated, and their commissions renewed or revoked at the pleasure of each annual assembly; but if degraded from the ministry by a sentence of their presbytery, their benefices and seats in parliament were for-

[27] Calderwood, 268, 418, 73.

[28] Parl. 18 James VI. "Busk, (dress,) busk, busk him," cried an indignant clergyman, "as bonyly as you can, bring him in as fairly as you will, we see him well enough, we see the *horns of his mitre*." Calderwood, 415.

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feited[29]. In consequence of those jealous precautions, the restitution of prelacy was retarded for a time; but the accession was an unpropitious era to the Scottish church, and its gates were assailed with accumulated force.

Assembly at Aberdeen.

The independence of the national assembly, a fortress wherein the liberties of the church were reposited, was the first object of attack. The assembly was prorogued on account of the accession, and again discontinued in the succeeding year till the union should be adjusted. Three zealots protested, that no detriment should result from this measure to the kingdom of Christ; and their apprehensions were diffused through the whole church. The clergy foresaw that assemblies would soon be disused, if convoked or interrupted at the king's discretion; and on a third prorogation of the expected assembly, a few ministers, deputed from nine presbyteries, met at Aberdeen on the day appointed by the former prorogation. Their meeting was prohibited, and their separation enjoined; but they proceeded to assert their right by the choice of a moderator. In the absence, or on the refusal of the king's commissioner to announce an assembly, they appointed one to be held in that year, and then in compliance with a requisition from the privy council, immediately dissolved[30]. It is difficult to conceive that their

1605. July 2.

[29] Calderwood, 439. Spottisw. 450. Ross and Caithness were the only bishoprics thus bestowed.

[30] Calderwood, 459, 82, 94.

disobedience of an arbitrary prorogation could be illegal; but of thirteen who hesitated to disclaim the authority of their late assembly, Welsh and Dury, with four others, were selected, for an exemplary punishment, calculated to intimidate the clergy and to depress the church. Their assembly was pronounced unlawful, and they were condemned for a contemptuous and seditious disobedience to the royal authority: but this sentence was merely a prelude to another trial, a second condemnation, and a severer fate. They had declined, in respectful terms, the jurisdiction of the privy council, as incompetent to pronounce sentence on the members of a general assembly, a supreme court, the legality of whose proceedings could be determined only by the next assembly, to which alone they were responsible for their conduct. By a verdict extorted from a reluctant jury, they were convicted of treason, and after a rigorous imprisonment, which they endured with fortitude, their sentence was commuted from death to perpetual exile. They retired to the protestant churches in France and Holland; and at the distance of sixteen years, Welsh, in the extremity of age and sickness, was recalled, on his earnest solicitation, to London: but on his refusal to degrade his reputation, and the merit of his sufferings, by subscribing to the church government then established, his return to his native country was inhumanly prohibited. The other ministers who refused to disavow the assembly,

BOOK I. 1605.

were banished to separate, and remote districts of the west and north; and while the clergy were admonished, not to pray for their afflicted brethren, the people were forbidden to express any approbation of the northern conventicle, or any displeasure at the measures of the privy council. But the clergy bewailed in prayer the tribulation of their brethren; and in their sermons boldly announced the impending danger and ruin of the church; the disuse of its assemblies, and the loss of its discipline; the approach of idolatrous rites, and of a worship more ceremonious than sincere. The apprehensions of the people were confirmed by a declaration issued to dispel their suspicions; and when the king protested that no innovation was intended, without the previous consent of the estates, the nation easily perceived that the spiritual yoke was to be imposed by parliament[31].

Declarations and edicts are feeble arms, to repress the secret discontent of a nation. A pestilential disorder had extended to Scotland, and no place escaped its destructive visitation. There is no record of the numbers that perished, but the desolation of the towns is feelingly deplored: the council and courts of justice were dispersed, and the administration of government was suspended by the plague. The clergy, who discovered in the sufferings of the people a vindictive and divine judgment on their monarch's transgressions,

[31] Spottisw. 480, 90. Calderw. 459, 549. Johnson, 413. Baillie's Historical Vindication of the Scottish Church, p. 53.

expected that the late providential discovery of the gun-powder treason would operate on his heart. The merit of detecting that conspiracy has been denied to James; but his constitutional timidity would suggest the danger, and his father's murder would represent the nature and the horrors of that peculiar treason to his affrighted imagination. BOOK I. 1605.

Preparations were made for the approaching parliament, on whose decision the fate of the church was reduced to depend. The constitutional prerogative of the monarch was limited to the power of assembling the estates, and presiding in parliament, and a fact to which historians have seldom adverted, excites our attention and surprise, that the sovereign enjoyed no legal negative; but was obliged, at the conclusion of each parliament, to ratify, by the indispensable touch of his sceptre, whatever had been enacted by the three estates[32]. We may conjecture that a prerogative so familiar, and so much disused at present, had been obliterated by the previous negative of the LORDS OF ARTICLES. The committee of parliament thus denominated, was established as early as the reign of David II. and consisted of equal proportions of each estate, originally freely elected, to arrange and facilitate business, and to digest into proper form the petitions and motions proposed for discussion[33]. The freedom of their elec- Parliament. 1606.

[32] See NOTE I. at the end.

[33] For the origin, see Henry, vol. x. p. 100; Lord Haile's Annals, vol. ii. 261; Pinkerton's Hist. vol. i. 352: for the abuse

BOOK I. 1606.

tion was afterwards corrupted, and their powers were insensibly extended and abused. Nothing originated in parliament without their intervention; no motion could be admitted without their consent; and when the prelates selected eight peers, and the peers eight prelates for the articles, the king, to whom the former were generally subservient, and the latter consequently not unacceptable, was virtually invested with this dangerous negative before debate. A similar, and additional negative on the Lords of Articles had been procured by James. It was enacted that, previous to every parliament, a convention of four members from each estate should be appointed to receive supplications and articles: but the nomination of a committee to precede the parliament, devolved on the king, who assumed the sole power of revising and suppressing the articles at discretion[34]. Whatever was offensive was thus intercepted by an indirect, and previous control upon parliament; but an active and extensive influence was still requisite for the support of those innovations which were proposed by James. The commons still adhered to the crown. Commissioners had been recently introduced from the *Lesser Barons*, and although they were limited in consequence of their undetermined numbers, to a single

An. 1584.

of this committee, Robertson's Hist. of Scotland, Stuart's Public Law and Constitution of Scotland, p. 129; Wight's Election Laws, p. 86.

[34] Parl. 1594, ch. 218. See also NOTE L.

suffrage for each county[35], the addition which they brought to the commons contributed to abridge and balance the authority of the peers. The ecclesiastical, or first estate had been almost annihilated: it was now increased to ten indigent prelates, devoted to the crown. The *Lords of Erections*, or monastic benefices secularized, or erected into temporal lordships, were attached to James by personal gratitude, or more effectually by the fear of a future revocation. The popish lords, obnoxious to the church, were dependent on the king for protection; and the nobility in general, unaccustomed, unless in the field, to resist their sovereign, were more disposed to participate in his prodigal bounty than to hazard his displeasure.

Prerogative extended.

These dispositions were skilfully improved by his favorite minister, Sir George Hume, created earl of Dunbar, and dispatched from court, with letters to solicit the votes, and with instructions to conciliate the support of the nobles. The parliament was held at Perth, and in a preliminary recognition of the royal authority, it exchanged the concise simplicity of the Scottish statutes for the tone and style of oriental adulation. The prerogative was confirmed without limitation: the king was acknowledged as the judge and governor of

[35] Baillie's Letters, vol. i. p. 228. By the act 1587, counties were ordered to send two or more commissioners to parliament, but the numbers were fixed by custom before Charles the first's reign, when each commissioner obtained a separate vote.

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all estates; and by an absurd excess of flattery, whatever statutes should derogate in future from his supreme authority, which the members solemnly promised never to oppose, were previously annulled. Expressions so grateful to James were considered as nugatory; but the statute remains a monument, perhaps the earliest, of national servility[36].

Annexation of church lands dissolved.

It was still difficult, however, to restore the bishops to their temporal possessions. Their order had neither been directly suppressed, nor entirely abolished, and the king was authorized by a statute, to which we have already alluded, to recal the ecclesiastical estate to parliament. But the possessions and revenues of the church, that reverted, after the reformation, to the sovereign, had been exhausted, during his minority, by the rapacious nobles, or annexed to the crown as its ancient patrimony, recovered and appropriated for the support of its dignity[37]. The bishops, whom the king might nominate but could not endow, were thus consigned by their creation to indigence, by their indigence to popular contempt and obscurity; and as none were ambitious of this painful pre-eminence, the act of annexation was justly considered as the barrier of the church. Its repeal was sufficient to reinstate the bishops in their temporal possessions and dignity: but we are informed that the opposition encountered in parliament was sur-

[36] MS. State Papers, Adv. Libr. Parl. 1606, ch. i. ii.

[37] Parl. 1587, ch. 29.

mounted with difficulty by Dunbar's address, the secretary's eloquence, and the chancellor's wisdom[38]. The intrigues of Dunbar were probably more efficacious than the eloquence of his colleagues. The commons submitted reluctantly to the influence of the crown. The nobles were probably most averse from a precedent for the future revocation of their rights, but the bishops and the lords of erections concurrred to support their respective interests. The latter acquiesced in the restitution of bishops to their ancient benefices, estate, and dignity; the former assented to the confirmation of every preceding erection; and the same act, says an indignant historian, re-established thirteen dilapidated bishoprics, and converted seventeen inferior, though richer, benefices into temporal lordships[39]. The bishoprics, as benefices of cure, had escaped such erections; but were now restored in a diminished and impoverished state; their extent reduced by numerous infeudations, and their revenues impoverished by long leases for an inadequate value. But the bishops were grateful or obsequious: their suffrages requited James with a subsidy of four hundred thousand marks, to be raised in four years[40]; nor did an unaccustomed tax to relieve his distresses, appear improper to parliament, or

[38] State Papers, MS.

[39] State Papers, MS. Spottisw. 496. Calderw. 531, 4.

[40] Little more than 22,200*l.* sterling, but more than double the amount of any former taxation. Balfour's Annals, MS.

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inconsistent with the alienation of domains allotted to support the dignity of the crown.

1606. Opposition of the clergy.

The clergy, from different presbyteries, had resorted to parliament, to supplicate for their afflicted brethren, the persecuted ministers. Every effort was probably exerted, every argument was certainly exhausted, by their zeal to obstruct the introduction of prelacy. Secret assistance was expected from the earl of Dumfermline, the chancellor, exasperated by recent disputes with Dunbar, and averse from the temporal power of the prelates; but the chancellor has been accused by Spottiswood, archbishop of Glasgow, of connivance with the clergy, and, as his credit was endangered at court, he sought to recover his master's confidence by submission to his schemes. A protestation which the clergy prepared was contumeliously rejected by the lords of articles. Their endeavours to excite opposition were defeated, and their minds were alternately soothed or intimidated, by the partial assurances and the threats of Dunbar [42]. But the hierarchy was yet imperfect: the prelates were invested with no jurisdiction, and distinguished by no spiritual supremacy in the church. Whatever be the origin of human inequality, opulence constitutes the most durable basis on which the distinctions of titles, ancestry, power, and pre-eminence, are constructed and preserved. Though inadequate to the splendour or pride of the mitre, the benefices of the prelates

Conference at court.

[42] Calderw. 520, 6. 531, 6. Spottisw. 590, 5, 6.

far exceeded the measure of presbyterian equality; and by substituting a scale of expectations and dependency, might have reduced the Scottish church, in the course of years, to an episcopal form. But the slow operation of natural causes was disregarded by the king, who proposed by a conference, to restore tranquillity to the distracted church, and by an ecclesiastical convention, to revive the pastoral dominion of the crosier. Of the prelates, the two archbishops and the bishops of Galloway, Dunkeld, and Orkney, on the part of the clergy, the two Melvils, Andrew, the venerable successor of Knox, James his nephew, and six others, were summoned to court. The illegal nature of the assembly held at Aberdeen, with the expediency of a peaceful convention of the clergy, was the subject proposed by James for the conference; and on the first article, the responses of the bishops re-echoed the sentiments not obscurely expressed by himself. They condemned the meeting as illegal, its members as turbulent, their proceedings as seditious. The ministers refused to pronounce or to anticipate the sentence of their brethren, but recommended a free assembly to appease the rising discontent of the nation. Their behaviour to the king was respectful; to his ministers their language was more acrimonious than charitable; and between religious parties, whose object is victory and to whom the truth is comparatively of little value, the contro-

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versy terminated as might have been expected, in recrimination and reproach [43].

1606. Melvil persecuted.

Concessions not to be extorted at the conference, were solicited in private, and they were interrogated by such of the Scottish council as attended in London, whether they prayed for the refractory clergy, acknowledged their assembly, or approved their treasonable *declinature* of the jurisdiction of the council. "I am a free subject of Scotland," was the energetic and prompt reply of the younger Melvil; "a free kingdom that has laws and pri-"vileges of its own. By these I stand. No legal "citation has been issued against me, nor are you "and I in our own country, where such an inqui-"sition, so oppressive as the present, is condemned "by parliament. I am bound by no law to cri-"minate, or to furnish accusation against myself. "My lords, remember what you are. Mean as I "am, remember that I am a free-born Scotsman; "to be dealt with as you would be dealt with "yourselves, according to the laws of the Scottish "realm [44]." Their spirit and perseverance might have finally triumphed, had not the imprudence of the elder Melvil furnished a grateful pretext for persecution and punishment. While their return was interdicted, their attendance at the royal chapel was repeatedly enjoined, and the prelates who officiated on those occasions, were instructed

[43] Calderwood, 537, 41. Spottisw. 497, 8.

[44] Parl. 1585. ch. 18.

to dissipate their prejudices respecting the supremacy, and the divine right of the episcopal church. But the sermons of the English prelates were heard with contempt; the rites of the chapel were beheld with abhorrence; and the oblations at the royal altar, the chalices, the folded volumes, and the darkened candles with which it was decorated, were stigmatized by the elder Melvil, in a latin epigram, as the superstitious relics of the scarlet whore[45]. His verses were suffered to transpire, and under the examination of the English privy council, his patience was exhausted and his zeal sublimed to a temporary phrenzy. During a vehement invective against the hierarchy, he shook, perhaps with a rude hand, the white sleeves, or the "Romish rags" of the primate's surplice, and assailed with the same intemperance the courtly doctrines of the suffragan bishops. Neither extreme old age, nor his irritable and impetuous temper, nor his talents, erudition, and his early celebrity, could extenuate or procure the remission of a venial offence. After four years imprisonment in the Tower, his release was obtained by the intercession of the duke of Bouillon, on condition that the remainder of his life should be spent in exile. The friend of Theodore Beza, whom the church

[45] Cur stant clausi Anglis libri duo, regia in ara
Lumina cæca duo, pollubra sicca duo?
Num sensum, cultumque dei, tenet Anglia clausum,
Lumine cæca suo, sorde sepulta sua?
Romano et ritu dum regalem instruit aram,
Purpuream pingit religiosa *lupam*. Calderw. 545

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of Geneva, on the death of Knox, had resigned with reluctance to Scotland, retired in his old age to Sedan[46]: his nephew, a mild and more amiable character, was confined for life to Berwick, on the confines of his native country, from which he was interdicted; and the rest were banished to separate and remote districts of Scotland. As the members of an established church, they were invited by James to a free conference, and without the imputation of heresy, were punished as sectaries whom it was dangerous to tolerate, and impossible to reclaim. Such severe and unmerited persecution, whether ascribed to the instigation of the prelates, or to the early and implacable resentment of the sovereign, marks the natural transition of the heart from the uncontrolled exercise to the abuse of power, from theories of divine and despotic, but mild authority, to practical tyranny and personal revenge.

Ecclesiastical Convention. Dec. 10.

Their attendance had been prolonged at court, to withhold their presence or advice from the approaching convention, the members of which were selected by the bishops, and without any previous election, were summoned by the king from their respective presbyteries. The convention was held at Linlithgow, in the depth of

[46] Spottisw. 500. Calderw. 548, 64, 9. 615. His nephew died in 1614, himself in 1620. After ten years absence he had returned in 1574 to Scotland from Geneva; which, as Beza intimated in a letter to the assembly, "suffered herself to be "despoiled of his abilities, that the church of Scotland might "be thereby enriched." Calderw. 64.

winter; and, however irregularly appointed, assumed the name, and soon arrogated the authority of a legal assembly. We may presume, that the members were recommended as not inimical to the bishops, but an open recognition of episcopacy was still premature. An overture from James, to establish permanent moderators, with an additional stipend, in each presbytery, startled them at first as a dangerous innovation. Such, according to the presbyterians, was the original overture, till modelled anew by the court, and promulgated after the convention, with two surreptitious additions; memorable as the spiritual pillars of the episcopal fabric[47]. The bishops were appointed moderators of the presbyteries within which they resided, and perpetual moderators of provincial synods. The moderators and clerks of presbyteries, whom the convention rendered permanent, and their salaries dependent on the bishops, were declared official members of each assembly: but it was afterwards discovered that forty thousand marks were distributed among the clergy, by the earl of Dunbar, as bribes to reconcile the most clamorous or necessitous[48].

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The presbyteries mostly acquiesced in these regulations; intimidated, though averse from their appointed moderators. In the synods they resumed their independence, protested against an

[47] Calderw. 550, 61.

[48] Calderw. 556, 65. Balfour's Annals, MS. Historia Motuum, by Spang.

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assembly created without election; rejected its acts as surreptitious, or declined the bishops as perpetual moderators. The synods were prohibited, interrupted, or dispersed as seditious [49]. The members were obnoxious to legal penalties; but the prelates had acquired an important advantage which they were desirous to improve. The equality of the church was subverted; their authority was partially established in every presbytery; and until their powers should be silently matured by time, they were satisfied with suspending the provincial synods, which they could not regulate, and despaired to subdue.

These transactions furnish a singular example of a prince, the proselyte of a new religion, endeavouring to impose it by persecution on his ancient subjects, not from bigotry, but from a false persuasion that the pillars of the throne were to be found only in the orders of the hierarchy. The civil and ecclesiastical union of the kingdoms originated equally from the same motives, the increase and stability of the regal power; nor, where these measures were both pursued as connected branches of the same system, is it possible to attribute either to purer views of a distant or more patriotic utility. The union of the kingdoms was conducted by their respective parliaments, and not enforced in opposition to the sentiments and prejudices of the people. But the conformity of the churches was undertaken by prerogative, and

[49] Calderw. 569, 73.

urged with a perseverance fatal to the descendants of James. BOOK I.

This year a convention of estates was held; an assembly which differed from a parliament, although the members were the same, as its legislative powers were confined to taxation, the raising of forces, or the regulation of trade. To the nobility the king recommended the observance and better execution of the laws; to the commons the encrease of their infant commerce, greater attention to their neglected fisheries, and a sedulous application to the woollen manufactures, the source of prosperity and wealth to England. He exhorted both orders to extirpate the deadly feuds which prevailed through Scotland, and to reclaim from barbarism the savage natives of the Highlands and the Isles [50]. These magnificent and useful objects were attainable by the co-operation and steady support of James; but in the suppression of feuds, in the regulation of the Borders, the Highlands and the Isles, his success corresponded neither with his intentions nor his power. 1607. Projected improvements.

Hereditary quarrels had become so inveterate, as to require the special interposition of the privy council; and at the same time so numerous, as to be recorded like actions in a court of justice. The streets were infested with the retainers, the courts of law, and the parliament itself were interrupted by the conflicts of hostile families, and the wounds received or inflicted, were Suppression of feuds.

[50] Spottisw. 490.

BOOK I. productive always of fresh animosities and of a future revenge[51]. The privy council interposed successfully, in the accommodation of feuds; but it is observable, that wherever the administration of justice is capricious or partial, the practice of private revenge will predominate. The earl of Crawford had assassinated his kinsman, Sir Walter Lindsay, but continued to reside unmolested in Edinburgh, till Sir Walter's nephew collected an armed force to revenge the murder; and their uncle, lord Spynie, interposing between the combatants, was inadvertently slain. Lord Maxwell, who persisted in deciding a disputed right in the field, had escaped from confinement, and when pursued as an outlaw, his life was preserved by the exemplary fidelity of his domestics and friends. Persecution rendered him desperate, and prone to avenge his domestic injuries: he invited the chieftain of the Johnstons, who had formerly slain his father, to an amicable conference, and treacherously murdered him[52]. Those internal disasters might have instructed James, that impartial justice is the most effectual corrective of private revenge.

1607.

1608. Situation of the Borders. The inhabitants situated on the confines of the two kingdoms, and subject to the regular jurisdiction of neither, were fierce, rapacious, and turbulent; and under an imperfect species of military

[51] Spottisw. 496. Life of Welsh, p. 5. Balfour's Annals, MS. State Papers, MS. vol. i. ii. Adv. Lib.

[52] Spottisw. 401. 504. Johnston, 182. 438, 49.

authority, exerted by their wardens, were still divided into septs or tribes, unaccustomed to laws and inured to rapine. Their habits were averse from industry, and impatient of labour; their fields, exposed to the incursions of the English, remained uncultivated, and their subsistence was chiefly derived from indiscriminate pillage. Their morals were licentious; theft, robbery, and murder were honourable; perjury, adultery, and incest, were familiar crimes [53]. Without the virtues of either, they seemed to unite the vices of a barbarous and of a more civilized state; their valour, exercised in constant warfare, was long regarded as the defence of Scotland; and in a pastoral country, where all were horsemen, when the beacons announced an hostile incursion, ten thousand have assembled on horseback in the space of a day [54]. But their valour was dangerous when excited by the turbulent nobles, troublesome from the frequent interruption which it occasioned in the peace with England; and the government, hitherto unable to reduce them to order, was satisfied with the power of repressing their insolence, and imposing some partial restraint on their depredations. Their civilization was at last attempted, when, in consequence of the accession, they ceased to be formidable. To prevent their mutual depredations, arms and the use of horses were vainly interdicted. To

[53] State Papers, MS. vol. iii. Nicolson's Border Laws, p. 115.

[54] Lesly's Scotiæ Descriptio, p. 5.—De Mor. Scot. p. 59. Major's Hist. p. 20.

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reduce them under the coercion of the laws, the most desperate were conducted by Buccleugh to the Belgic wars; the most criminal or unfortunate were extirpated with a cruel policy by the earl of Dunbar. The waste, though fertile lands on the borders, began then to be cultivated: the *debatable* lands, an asylum hitherto for thieves and outlaws, were divided and appropriated to each kingdom; and a tribe of Grahams, from their crimes peculiarly obnoxious to justice, were expelled from their habitations on the banks of the Esk, and transported to Ireland[s]. The severity of those regulations was sufficient to restrain depredations and acts of outrageous violence, but many years of progressive improvement were necessary to reduce the borders under a proper subjection to the laws.

Highlands.

The Highlands were less accessible to improvement, and less submissive to government. Separated by their mountains, and divided by a peculiar language from the rest of Scotland, the natives have continued a distinct, and unmixed race, and have preserved the genuine, unadulterated remains of the ancient Celts, to whose dress and manners there is nothing similar among the Gothic nations of Europe. The productions of the Celtic muse would persuade us to believe that their early manners displayed a civilization inconsistent with an utter ignorance of the arts of life; an uni-

[s] Stow Chr. 819. Johnston, p. 374. 114, 39, 93. Grotii Hist. lib. xiv.

form heroism unknown to barbarians; a gallantry which chivalry never inspired; a humanity which refinement has never equalled; and, that before their advance to the shepherd state, they possessed a correct taste, a polished diction, a cultivated and sublime poetry, enriched with the choicest images of classical antiquity, and intermixed with all the sentimental affectation of the present times. Their history contains no marks of primeval refinement, unless we can persuade ourselves, that their descendants as soon as they approached observation, degenerated on emerging from the savage state, and became more barbarous in proportion as they became more civilized. The virtues of a generous hospitality, attachment to their leaders, fidelity to their associates, they shared in common with other barbarians; but they inherited also the vices of barbarians; an incurable sloth; an intemperance unrestrained except by their wants; a perfidy that disregarded the common obligations of oaths; a proverbial rapacity, and the most sanguinary revenge. The rights of property were equally contemned in the Highlands as on the borders; and in both places, the principal sagacity was exerted in concealing or investigating the minute traces of their mutual depredations. The revenge of the highlanders was often more comprehensive and horrible; and not unfrequently a family, a village, or a small tribe, beset by night in their habitations, or inclosed in church, have

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been consumed with flames[56]. Their valour was desultory; not inferior to that of the borderers. They delighted in irregular attacks, or a precipitate onset; their defensive arms were a buckler, and light corselet of leather; their offensive, a large dagger, a battle axe, or a broad and massy sword, which they wielded with a vigorous and irresistible arm. Their dress was simple, parsimonious, and uniform: it consisted originally of a close vest, and a large shirt, tinged with saffron; or a loose and variegated plaid, the extremity of which was fastened around the loins; and as decency was but imperfectly consulted, their national dress left their limbs uncovered and exposed to a rigorous climate[57]. It is impossible to

[56] See Johnson's Journey to the Western Islands, vol. x. of his works, p. 367—73.

[57] Major's Hist. 34. Lesly de Mor. Scot. 53, 5. *Braccae*, or trowsers of tartan, have been erroneously considered as their more ancient dress; but Lesly acknowledges their *femoralia simplicissima, pudori quam frigori aut pompæ aptiora.* Ex lino quoque amplissima indusia conficiebant, multis sinibus, largioribusque manicis, foris ad genua usque negligentius fluentia. Hæc potentiores croco, alii autem adipe quodam, quo diutius manerent integra, illinebant. Id. Major describes their dress more concisely. *A medio crure ad pedem caligas non habent; chlamyde pro veste superiore, et camisia, croco tincta, amicientur.* p. 34. Martin describes the *lenicroich*, or large shirt, died with saffron, and containing twenty-four ells, as the first habit worn by persons of distinction in the islands. "It was the upper garb, reaching below the knees, and was tied with a belt round the middle; but the islanders have laid it aside about an hundred years ago." Western Isles, 206. The

ascertain the origin, or the period, of their confederation into clans, the antiquity of which ascends beyond their historical, or even their fabulous traditions. In every barbarous and distracted country, the same necessities of defence and protection have created small and subordinate confederacies; but in the highlands these associations acquired a solidity, the chieftain a patriarchal authority, and the people a submissive attachment to his person, which the feudal times had no tendency to inspire. The inequalities of birth and fortune operate irresistibly in the shepherd state [58]. The animosities that divided the clans, attached them to their chieftains, whose authority was never eclipsed or restrained by the presence of a superior; and after the introduction of surnames, when the clans had adopted the name or patronymick assumed by their chieftain, they believed and propagated with credulous satisfaction, the story of their descent from the loins of his progenitors. Thence proceeded an inviolable attachment to his person, cherished on his part by a rude hospitality, and maintained by them in adversity, notwithstanding every temptation to desert their clan, or punishment if they refused to betray their chieftain. Loyalty was always a secondary passion, subordinate to the allegiance due to their chief-

large shirt, stained with saffron, with long and wide sleeves, was the peculiar dress of their Irish progenitors. Derrick's Image of Irelande, Lond. 1581. Harris, 1781.

[58] Smith's Wealth of Nations, vol. iii. p. 77.

BOOK I. 1608.

tain, by whom their private depredations were encouraged and protected, and whose banners they followed implicitly, whether directed against neighbouring tribes, or against the sovereign himself.

Their coercion had been ineffectually attempted, by such regulations as a nation imposes on the savage hordes that infest its frontiers. Hostages were exacted, whose lives were responsible for the peaceable demeanor of the chieftain; for the compensation of losses sustained from the clan; and for the surrender of public offenders to justice. Wherever the clan protected or harboured robbers, individuals were indiscriminately apprehended, and their effects confiscated or secured till restitution was made [59]. Regulations not susceptible of a strict execution must have failed to intimidate, and the licentious spirit of those fierce mountaineers remained unsubdued. A memorable example was probably more efficacious; the severe and almost entire extirpation of the Macgregors. The district of Lennox had been repeatedly ravaged, and the Colquhouns defeated and slaughtered, in different engagements, by that mischievous clan. On the approach of the earls of Argyle and Huntly, the Macgregors abandoned their habitations in despair. The clan retired with their wives and children to caves and forests, resumed the habits of savage life; and as they wan-

[59] Parl. 1581, ch. 112. 1585, ch. 16. 1587, ch. 93. 1594, ch. 231.

dered or committed depredations through the highlands, were pursued and consumed, by the sword in summer and by famine in winter. Their chieftain surrendered to Argyle, on assurance of being transported beyond the realm; but the condition was literally fulfilled, or rather perfidiously evaded by the privy council, by whose order he was first conducted to Berwick, and then to Edinburgh, to be executed with seven hostages innocent of his crimes. Without habitations, and accompanied on every excursion by a train of women, their numbers and their misery increased their audacity, till their retreats were discovered, and the fugitives were pursued by Argyle, through woods and mountains, with such destructive slaughter, that the children, a race of future banditti, were almost the sole survivors of the clan [60]. BOOK I. 1608.

The Hebudes or western islands, though relinquished by Norway in the thirteenth century, had never been properly subjected to Scotland. If historians are to be credited, the natives must have inherited and combined the vices of their double origin: the indolence, savage pride, and obdurate cruelty of their Irish progenitors, with the riotous Isles.

[60] Johnston, 307. 486. Balfour's Annals, MS. Calderw. MS. vol. v. 599. Spottis. 516. Birrel's Diary, p. 60. In consequence of their subsequent depredations, the clan was abolished, and the name of Macgregor was suppressed and prohibited in 1633, by a statute repealed at the restoration, but revived in 1693, and again repealed in the present reign.

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and profligate luxury of a race of ferocious pirates, their Norwegian conquerors. Destitute not only of laws but of morals, deficient not less in religion than in humanity, they are uniformly represented as more barbarous and vicious than the inhabitants either of the Highlands or the Borders; as a race incapable of submission, unsusceptible of culture, whom it was less difficult to exterminate than to reform [61]. Such at least was the only plan of improvement projected by James, who proposed to transport or extirpate the most turbulent or intractable, and to re-people the islands with new inhabitants. He expected, with all the visionary hopes of a projector, that the industry of the Lowlanders, when transplanted thither, would be successfully exerted in the construction of villages and the plantation of orchards; in cultivating and inclosing the neglected fields, and in reclaiming a remnant of the na-

[61] "Insulani occidentales, immanitate *barbari*, feritate, ignavia, luxuria, superbia, *deterrimi*. *Homines agrestes*, sine legibus, *sine moribus*, sine urbium cultu, ac prope *omnis humanitatis et religionis expertes*." Johnst. 103. 231. "The highlanders that dwell on the main land are *barbarous for the most part*, and yet mixed with some shew of civility; they that dwell in our isles are *all utterly barbarous*." King James' Works, p. 159. The Norwegians possessed the western islands from 850, or 910, to 1268. As the names of places, and of the principal families, are still Norwegian, which must have been then the predominating language, there is reason to believe that the barbarity of the islands was augmented afterwards, by fresh accessions of Irish colonies. Pinkerton, Introd. to the Hist. of Scotland, vol. i. 350. ii. 303.

tives from barbarism. The first colony was attempted at Stornaway. The inhabitants were subdued, and their chieftain was betrayed by his perfidious brothers; but when the adventurers proceeded to divide and appropriate the Lewis to themselves, a surviving brother beset, and, by burning their habitations, compelled them to surrender. Another expedition was not more successful; and the intruders, harassed and infested by the islanders, were again expelled [62].

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These and other improvements suggested by James, were defeated by a profusion which knew no limits, and by a poverty for which there was no cure. Manufactures received no better encouragement than barren exhortation; trade and fisheries no greater assistance, than an unavailing edict against the interference of foreigners with fisheries on the coasts. The most flattering expectations were excited by a vein of silver recently discovered, which promised to relieve the poverty of the country, and the necessities of the court, by a copious supply of the richest ore. The people were first disappointed, as the produce of the mine was conveyed to London, to be refined in the tower. But the vein, which was soon lost or exhausted, served only to betray the king into additional

These improvements obstructed.

[62] Johnst. 231. James's Works, 159. Spottisw. 463, 90. 505. The islands were then offered, Lewis and Sky excepted, to the marquis of Huntly for 10,000*l.* Scots; but he refused to give more than 400*l.* for what was merely a permission to conquer them. State Business, MS. 1607. Adv. Lib.

BOOK I. 1608.

profusion, and to deceive the extravagant hopes of the English court [63].

Should these occurrences appear uninteresting, or beneath the dignity of historical narration, let it be remembered that Scottish history afforded not, at the period of which we are writing, a copious selection of great exploits. With the monarchs the government was virtually transported to England; and when its ancient alliances and wars were discontinued, or conducted through the intervention of another state, its history was reduced to such domestic transactions as illustrate the progressive situation of the country. After the accession, the reign of James was inglorious and useless; it was consumed in a despicable, yet memorable struggle with the clergy, conducive in the sequel to the most important events.

Discoveries respecting Gowrie's conspiracy.

His influence over the church was encreased by discoveries of an unexpected nature, relative to transactions of his former reign. The conspiracy of Gowrie and his brother, is still mysterious, and scarcely explicable; nor was it esteemed more incredible then, that the king should accede to a stratagem for their destruction, than that a dark and desperate attempt should be made on his life, by two brothers, young, gallant, and generous,

[63] Lodge, Illust. of Brit. Hist. iii. 343. Winwood, ii. 422, 31. Johnst. 432, 54. The mine was near Linlithgow, and yielded, from 100 oz. of ore, sometimes 60, sometimes not 8 oz. of silver. The gold mines of Crawfordmuir were also resumed, and yielded James, for 3000*l.* of expences, not quite 3 oz. of gold. State Business, MS.

without associates and without resources. Their father's memory was dear to the clergy; their own merit had excited the fond expectations of the people. Neither the clergy nor the people were partial to James, or disposed to acquiesce in the exaggerated and contradictory reports of his courtiers [64]. An opportune discovery was at length obtained. A notary in Eyemouth, whose name was Sprot, had divulged some particulars that indicated a personal knowledge of the crime. When apprehended and examined by the privy council, the notary seems to have persisted, above two months, in a denial of the fact, or in declarations to which no credit was given [65]. But he confessed at last, that the conspiracy had been concerted between the earl of Gowrie and Logan of Restalrig, whose confidential servant was employed as a messenger to interchange their letters; that the correspondence was afterwards inadvertently communicated by Bowr, the servant, to Sprot his friend, who purloined a letter from Gowrie, and another from Logan, which had been returned by the earl as soon as it was perused. As his gratitude to Logan his benefactor, or fidelity to the servant, had concealed the conspiracy during their lives, Sprot

[64] Robertson's Hist. p. 470, 80. Calderw. MS. vol. v. 405, Spottisw. 456.

[65] He was apprehended in April, but the confession to which he finally adhered was not delivered till July 5th. Earl of Cromarty's Relation of Gowrie's Conspiracy, p. 51, 3. Archbishop Abbot's Account of Sprott's Trial, p. 53.

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was arraigned on his own confession, and by those laws which, on some occasions, may render private virtues a public crime, convicted of the constructive treason which he forbore to reveal. His confession was renewed, and attested at his execution by a solemn sign; when thrown from the ladder, he clapped his hands thrice together before he expired.

Logan's attainder.

Although Logan and his servant were already dead, his memory was still exposed to persecution, and his innocent offspring reserved for punishment. According to a legal maxim, that no person can be condemned in absence, his bones were dug up, and in the succeeding parliament produced and arraigned at the bar. His letters were also produced, and as the hand-writing was authenticated by the most respectable witnesses, his estates were confiscated, his name abolished, and his issue attainted. The sentence was not less illegal than odious, for trial after death was limited by statute, to those whose treason was notorious during their lives. Nor was the sentence unanimous, till, in consequence of the urgent persuasions of Dunbar, the lords of articles acknowledged, with tears of joy, their entire conviction of the truth of a conspiracy formerly doubtful, and still so obscure [67].

Balmerino's treason.

During the last years of Elizabeth, James, while his succession was yet precarious, had endeavoured

[67] Robertson's Hist. p. 475. Dalrymple Lord Hailes Memorials and Letters, i. 15. See note II.

to conciliate the English Catholics, by negociations with those continental princes to whom their interest was devoted. His intentions were seconded, if not exceeded, by the zeal of his ministers; and in order to establish a correspondence, or to facilitate their intercourse with the Romish see, they procured a letter from James to Clement VIII. The letter was disavowed to Elizabeth, and for a time forgotten: but it was revived by Cardinal Bellarmine, who accused James, in an answer to one of his controversial performances, of renouncing the mild and tolerating sentiments expressed to Clement; and disappointing the expectations artfully suggested by himself or his ministers, of his becoming a speedy proselyte to the Romish church. A correspondence with the Pope, to a Protestant monarch, is always dangerous; but to James, a sovereign and an author, it was doubly injurious. Lord Balmerino, the secretary, was then at court; and confessed, it is said, that the letter was concerted without the direction or knowledge of his master, and subscribed without examination, among other papers that required his signature [68]. His own relation is somewhat different; that the king, although not averse from a correspondence with Clement, scrupled to concede his apostolical titles, which were afterwards prefixed to a letter presented with other dispatches to different cardinals, and subscribed without hesitation

[68] Robertson's Hist. 468. Spottisw. 507. Johnst. 448

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by James [69]. If Balmerino deceived his master, it was neither with a criminal intention, nor to a treasonable extent. But his ruin was secretly projected by Spottiswood, Dunbar, and Cecil, his implacable enemies; and, according to his own narrative, much address and many secret intrigues were employed to persuade him, by a more ample and explicit declaration, to exculpate the king. His life and estate were secured by promises; his offices were to remain at the king's disposal; and on these conditions, he acknowledged that the letter was surreptitiously obtained, when James had refused to correspond with the Romish see. His trial was remitted to Scotland, where he was convicted of treason, but the terms of his submission were faithfully observed. After a slight imprisonment, he was permitted to reside unmolested on his own estate, and survived his disgrace about two years. His abilities are represented as great and splendid, his avarice as insatiable. He had risen to the joint, incompatible offices of president of the court of session, and secretary of state, in which the integrity of the judge must ever yield to the interest of the statesman [70]: yet he stemmed

[69] His narrative is extant in Calderwood, vol. v. and vi. MS. and it is difficult to refuse him credit, when he appeals to the lords Burleigh, Lennox, Scone and others, to whose testimony he refers his friends. James, in his reply to Bellarmine, avoids all mention of the letter, or of Balmerino's confession.

[70] Johnst. 396.

the secret, and corrupt influence of Dunbar on the bench, with a spirit that probably accelerated his fall. BOOK I. 1609.

These transactions were succeeded by a parliament, in which the commissary, or consistorial courts, established at the reformation in civil judges, were restored to the prelates. Originally the court of session had consisted of an equal proportion of temporal and spiritual judges: but at a period subsequent to the reformation, the clergy were declared incapable of every civil and judicial function. At the request of the prelates, the archbishop of Glasgow was created an extraordinary lord of session, to restore a spiritual intermixture to the court [71], but the prosecution of this design was superseded by the institution of a new tribunal. The court of ecclesiastical, or high commission subsisted in England as a delegated exercise of the king's supremacy; but in Scotland, where there was no supremacy as yet acknowledged, no court of commission could be legally established. But wherever the laws were defective or silent, the prerogative was vigilant. Two courts of high commission were erected, at St. Andrew's and Glasgow, of such transcendant jurisdictions that every ecclesiastical court was subordinate; and with such inquisitorial powers that every individual might be cited and examined on his conversation, conduct, and religious opinions; excommunicated if impenitent, outlawed if contumacious, impri- 1610. High commission.

[71] Parl. 1594. ch. 133. Calderw. MS. vi. 224.

BOOK I. 1610.

soned and fined if obnoxious or guilty. There was no resource in the number of commissioners; for the archbishop and four assistants composed a quorum, whose power extended to all ranks, and whose sentence admitted of no appeal. Schools and colleges were subjected to their visitation, and the clergy, who disobeyed their injunctions, or refused to promulgate their mandates or censures, might be suspended, deprived, or imprisoned at discretion. In England the star-chamber and high commission were properly committees of the privy council; but the courts of commission in Scotland were co-ordinate in spiritual, with the privy council in its civil jurisdiction; and, on the translation of Spottiswood to the see of St. Andrew's, they were united into one court, alike devoted to the king and to the bishops, nor less oppressive to the nation than to the church [72].

Assembly at Glasgow.

When the prelates had thus united the spiritual powers of the high commission, to their temporal dignity as lords of parliament, their authority over the clergy became irresistible. The council was filled with their order, and when it appeared that neither the courts of law, nor the departments of government, were inaccessible to their ambition, the officers of state were endangered daily by their accusations and intrigues. Instead of evading the control, they began to solicit the authority and sanction of a general assembly, a convocation which was no longer independent, nor properly

[72] Calderw. MS. vi. 228. 349. Spottisw. 514.

elective. As commissioners of the church, they had acquired an official seat in its assemblies, and the same privilege was conferred on the permanent moderators and clerks of presbyteries. Lay elders were appointed by the king, and as his letters signified to the presbyters, those members whose election he solicited, we may presume that the requests, which intimated the injunctions of a monarch, were seldom disobeyed. An assembly thus constituted was held at Glasgow. The *moderation* of the synods, and the visitation of the clergy within their dioceses were confirmed to the bishops; the artillery of the church was committed to their direction; and their authority was declared indispensable, whether excommunication was to be hurled at the guilty, or absolution conceded to the tears and prayers of the penitent. The ordination and induction of the clergy to churches, their trial, degradation or censure, when accused, were transferred to the prelates; but the presbyteries were despoiled of these rights by a pious fraud, practised without obstruction on a submissive assembly. The expression "ministers of the "bounds" was substituted instead of "presby-"tery," which was represented as an ungracious epithet, harsh and offensive to the royal ear. But the prelates availed themselves of an ambiguous phrase, and assisted only by a few of the neigbouring ministers, soon proceeded, without the presence or concurrence of a presbytery, to the ordination, institution, or the trial of the clergy. The success

BOOK I. 1610.

of this artifice encouraged a premature attempt for the suppression of presbyteries: a warrant to prohibit their meetings was produced by Dunbar; but the fears of the clergy interposed to deprecate an illegal measure, the source of schism, and the probable signal of a spiritual revolt. They acquiesced with less reluctance in an oath of obedience to the king, containing a solemn recognition of his ecclesiastical supremacy, to be administered by the *ordinary* on the admission of ministers. Their submissive deportment had been secured and recompensed by gratuities, dispensed to the moderators of presbyteries as arrears of stipend, and to others as a *viaticum*, or provision to defray the expence of their journey [73].

Consecration of the prelates.

Whatever powers the assembly had conferred, were afterwards confirmed and enlarged by parliament to the full extent of the episcopal character. That character, however, was yet imperfect, in an important article which the humble presbyters had not to bestow. According to the arguments, or rather the language of polemics, as the sons of Aaron presided in the temple over the rest of the Levites, the Apostles, their successors under the new dispensation, acquired a distinct and peculiar ordination and authority over the seventy disciples; a sanctity superior to the priests, which has been transmitted in apostolical succession to the bishops both of the eastern and western churches; to the abunas of Abyssinia, as well as to the pre-

[73] Calderw. MS. vi. 260. 70. Spottisw. 512.

lates of England. The consecration of the latter was derived indeed from an impure source; their torches were kindled at the unhallowed flames of an idolatrous shrine. But the English prelates, from their original consecration in the Romish church, became the legitimate successors of the apostles of Christ, to whom the imposition of hands was given; and they assumed as a rite of divine institution, the exclusive ordination of the inferior clergy. As the Scottish prelates were not yet adopted into the apostolical order, three of their number were summoned to receive consecration at court. Their ordination even to the priesthood was questioned; but the objection was over-ruled lest their former presbyterian vocation should appear invalid; the subordinate order of priesthood was included, or supposed to be included in the episcopal, and supplied, if defective, by the regular consecration of the Scottish bishops. The apostolical character was conferred on Spottiswood and the bishops of Galloway and Brechin, and imparted on their return to their unconsecrated brethren[74].

BOOK I. 1610.

[74] Spottisw. 514. Heylin's Hist. Presb. 387. Collier, ii. 701. The necessity of episcopal, and the invalidity of presbyterian ordination furnish a voluminous controversy, of which mention will frequently occur in our history. According to Hooker, the apostles were bishops at large, and the bishops apostles with restraint. The calvinists in general were less solicitous to connect themselves with Christ through the medium of Rome. They preferred an inward call, and submitted to imposition of hands, not as essential to ordination, but sometimes as good

BOOK I.

On the death of the earl of Dunbar, their party was deprived of a strong support, and the sovereign of an apt and devoted instrument of arbitrary power. The death of an obsequious and oppressive minister was regretted by few; and the officers of state, who had felt that the power of a favorite was dangerous, and his friendship perfidious, endeavoured to regain their influence by the revival of *Octavians*. Eight commissioners of their own number were thus denominated, to whom the collection and administration of the revenues were formerly entrusted[75]. But the influence of Dunbar was transferred to a worthless minion. The offices of treasurer, collector, and comptroller of the revenue were engrossed by Carre earl of Somerset, a Scottish youth, originally the page, and on returning from his travels, the pupil and the minister of his royal pedagogue. The administration devolved in Scotland on his kinsmen, whom his influence promoted to the most lucrative offices; but the avarice of both was pernicious to the nobility, and productive even of some slight commotions. Lord Maxwell, on his return to the country, was discovered and executed; but how justly soever his life was forfeited, the sentence had been pronounced in his absence, on a charge of *wilful fire raising*, a species of treason employed to

1610. Execution of lord Maxwell.

1612.

and holy, and at other times as indifferent. Knox rejected it altogether as superfluous, but it was afterwards adopted.

[75] Johnst. 467. Calderw. MS. vi. 310, 14.

confiscate his large estates. Hereditary feuds were assuaged by his punishment, and the borders composed; but the nobility were alarmed at the unjust attainder of an ancient family. Their apprehensions were encreased by the destruction of the earl of Orkney, which established the authority of the crown and of the prelates, beyond the northern extremity of Scotland, in the remote islands of the Deucaledonian ocean. BOOK I. 1612. and the earl of Orkney.

These islands, the earliest acquisition or seat of the Pictish nation, were the last territorial accession to Scotland. When re-peopled by the Norwegian pirates, they remained from the ninth to the fifteenth century tributary to Norway, and subject to their own hereditary earls, whose progenitor, by a singular fortune, has given to England a long succession of Norman kings. Their possessions were transferred by females to a Scottish family, but the islands continued under the dominion of Norway till the marriage of James III. with Margaret of Denmark, when they were first mortgaged for her portion, and finally annexed to the crown of Scotland[76]. They were conferred by Mary on Robert Stewart, her illegitimate brother; whose son, impoverished by expensive buildings 1613.

[76] Rognvald, the first earl, was the father of Rollo, William the Conqueror's predecessor. The islands passed by inheritance to the earl of Strathern and to his daughter's successors, de St. Clair, but they continued tributary and subject to Norway till mortgaged to James III. by Christiern of Denmark, for his daughter's portion; anno 1468.

BOOK I. and by his attendance on the court, endeavoured, in a remote country, where his authority was
1513. subject to no control, to repair his former waste by oppression. It is probable that his conduct was exaggerated in the complaints of the islanders, or aggravated by the acrimonious report of their bishop: but his possessions had excited Dunbar's avidity; the epsicopal revenues which he had obtained from the crown were solicited by the prelates, and the king descended to the mean, and unjust expedient of purchasing a large mortgage with which his estates were attached. After an imprisonment of three years, as he still refused to resign his right to the redemption of his property, his estates were seized, and his subsistence reduced to a daily allowance, suitable neither to his rank nor to his necessities. As he had no hopes of release, and his ruin appeared inevitable, he was driven at length to the most desperate extremes. His son, the bastard of Orkney, was instructed to take arms, and to regain possession of the castle of Kirkwall; but his own escape was
1514. prevented by his guards. The castle was reduced by the earl of Caithness, and the bastard surrendered on the pious condition that no torture should be employed to extort a confession of his
1515. father's guilt. The father was convicted, however, on the son's confession. His descent from a brother of the unfortunate Mary, gave him the strongest claim to the compassion of James; but as Somerset had succeeded to Dunbar's expecta-

tions of his estate, every avenue to mercy was intercepted[77].

1615. Insurrection of the Macdonalds.

At the same time the Macdonalds revolted in Cantire, and surprised a fortified place in Islay; but they were reduced or expelled by the earl of Argyle, to whom their possessions were transferred. Their chieftain was stained with the most atrocious murders, and had repeatedly resisted the arms, or escaped from the feeble coërcion of the government: in a few years, however, he was recalled and rewarded with a liberal pension, by the same monarch who had appeared insensible to the ties of kindred, and inexorable to the slighter offences of the earl of Orkney. From his extreme facility of temper, the government of James, at all times arbitrary, was oppressive or indulgent, according to the compliances exacted by his favourites[78].

Execution of Ogilvy, a jesuit.

To the popish lords he was always lenient, though solicitous for their conversion; but the merit of toleration, or the praise of lenity, was obliterated by the unjust and cruel persecution of Ogilvy a jesuit. His life as a seminary priest was already forfeited, but the excessive and disproportionate severity of the punishment prohibited the execution of an inhuman law. With an affected moderation, professing to pardon his religious, and to punish only his political opinions, James trans-

77 Calderw. MS. vi. 337, 40. Johnst. 486, 93. 505. State Business, MS.

78 Johnst. 111. 222. 512. 699. Calderw. MS. vi. 338.

BOOK I. 1616.

mitted a series of interrogatories, dangerous to a jesuit if answered with sincerity, or ineffectual if the opinions of his order were concealed. His confession, though replete with bigotry, was sincere. He acknowledged the supremacy, and the right of the pope to excommunicate princes; and reprobated the blasphemous oath imposed in England on Roman Catholics: but he rejected every interrogatory on the power of the pope to depose the king, or to absolve his subjects from their oath of allegiance; and declined the question, as it was still undetermined in the church, whether a monarch thus degraded might be lawfully slain. In these questions the monarch was certainly far less interested than the disputant, for the same topics had been agitated in his recent controversy with Cardinal Bellarmine. But the silence was not less fatal than the confessions of the jesuit. By a singular strain of tyranny, he was convicted of treason for declining the authority of the king and council; and executed for his refusal to answer insidious interrogatories that affected his life. Under the arbitrary reign of a favourite, the possessions or the interest of a wealthy peer may alternately purchase his pardon or provoke his fate. But the execution of an innocent and wretched priest, must be imputed to the vindictive disposition of the sovereign, which was to be gratified only by the death of the unhappy victim who disputed his doctrines [79].

[79] Arnot's Criminal Trials, 328. Spottiswood, 620.

Hitherto the promise made at the accession, to revisit his native country every third year, had been suspended by the negligence and the poverty of James. His distresses were relieved, and his promise performed, on the surrender of the cautionary towns to the Dutch. From Berwick he was conducted, by slow journeys, to Edinburgh, with a splendid retinue of the English nobility; and in a few days he resumed his progress through the principal counties, visiting the scenes, and renewing the amusements of his earlier years. After so long an absence, his return was *welcomed* by the Scottish muse; and it is observable, as a proof of the wide diffusion of the ancient languages, that in every university, in every city, and almost in every mansion which he visited, his arrival was celebrated by panegyrical orations and classical poetry. But in literature the Scottish language was already exploded; and in authors reduced to the difficult alternative of a dead language or of a foreign dialect, precision and purity, almost their sole study, must predominate over poetical invention [80]. The disputations in the universities were better adapted to the taste of James. The professors were summoned to maintain scholastic debates in his presence; and his satisfaction was discovered in a series of quibbles on the names of the disputants, and by the promise of a liberal donative to the university of Edinburgh [81].

1615. King's journey to Scotland.

1617.

[80] See the Muse's Welcome of James. Johnst. Hist. 519.

[81] The universities of St. Andrew's and Edinburgh vied in

BOOK I.

1617. Object of his visit.

The hierarchy was almost perfect: but under an episcopal government, the church retained the form of presbyterian worship; to enthusiasts a pure and exalted, to the superstitious a sordid and illiberal worship; disclaiming the ornamental aid of a methodical ritual. An intermixture of ceremonies was recommended by James to enliven its devotion, or rather to accelerate its conformity with the church of England. The chief object of his journey to Scotland was to enforce the observance of rites selected as peculiarly offensive to the English puritans, of whose conformity he despaired while the example of the Scottish church continued in their view. From the facility with which the prelates were restored, he expected equal success in the introduction of rites; nor did he mistrust the efficacy of the royal authority, or reflect that the clergy are more attached to the doctrines than to the discipline; the people more tenacious of the peculiar worship of a national church.

Opposition in parliament.

The first opposition was begun by the nobility, in a parliament assembled on his return to Edinburgh. From the late encrease of the prerogative, and aggrandizement of the prelates, the nobles

the pedantry of those solemn disputations. James's wit is too contemptible to be transcribed, yet he was so delighted with it that he directed his puns to be turned into English and Latin verse; of which last, three versions by his courtiers occur in the Muse's Welcome. Crawford's Account of Edin. College, MS.

were alarmed for their own independence, or for the preservation of the rich estates which they had obtained from the church. Their independence was asserted in the election of lords of articles, and their estates were secured from revocation by rejecting the candidates recommended by the king. The officers of state had been hitherto conjoined with the lords of articles, but on this occasion, their admission seems to have been resisted so violently, that the estates were ready to disperse, and the king prepared to dissolve the parliament. A limited number were at length admitted; and it is probable that secret assurances were employed to assuage an opposition which was the more unexpected, as it was unexampled during the absence of James. The articles continued subservient to the crown, and the estates indifferent to the fate of the church. An act was secretly prepared, to declare "That in ecclesiasti- "cal affairs, whatever should be determined by "the king, with the advice of the prelates and a "competent number of the clergy, should receive "the operation and the force of law;" but the choice and the amount of a competent number, when referred to James, were ill calculated to disguise an absolute authority in ecclesiastical affairs. The design had already transpired. A protestation was prepared by the clergy and presented to parliament, when the articles were about to be ratified by the imposition of the sceptre. It was impossible for James to recede with dignity: it was

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difficult, however, to listen with indifference to a protestation that appealed to his own declarations, issued to avert the suspicions of innovation and change. The article was silently withdrawn from the sceptre, as prejudicial to that transcendent prerogative which it could not enlarge. By another article, chapters were assigned to the different sees, and a mode prescribed for the election of bishops appointed by the king [82].

On the dissolution of parliament, Simpson and Ewart who had subscribed the protest, and Calderwood to whose pen it was attributed, were summoned to St. Andrew's, and convicted of a seditious remonstrance by the high commission. The former were imprisoned and suspended from their ministerial functions; the latter, the faithful though prolix historian of the church, incurred the peculiar resentment of James, with an additional sentence of perpetual exile. When a remonstrance to parliament was punished as seditious by the high commission, ecclesiastical, or rather regal tyranny, was carried to the extreme [83].

Religious ceremonies proposed.

When the refractory ministers suffered deprivation, the most distinguished among the clergy were assembled at St. Andrew's, to witness the punishment, and to receive a salutary admonition from the example. On the next day the cere-

[82] Calderw. MS. vi. 380, 1. Spottiswood, 533. Johnst. 520. Parl. 1617. ch. i. ii.

[83] Calderw. vi. 389.

monies to be transplanted from England, were announced by James, who proposed: I. That the eucharist should be received in a kneeling posture: II. That it should be administered in private, in extreme sickness: III. That baptism should be administered in private, if necessary: IV. That episcopal confirmation should be bestowed on youth: V. That the descent of the spirit, the birth, passion, resurrection, and ascension of Christ, should be commemorated by annual festivals in the church. It was the prerogative, as he declared, of a Christian king, to regulate the external polity of the church, nor would he regard their disapprobation of those articles unless their arguments should prove unanswerable. Instead of accepting a dangerous challenge to dispute with their sovereign, they implored a general assembly on their knees, that the ceremonies which he enjoined might be sanctioned by the approbation of the whole church. Their request was granted with difficulty, and only on the assurance of an assembly altogether submissive to his will [84].

James, in his expectations of an easy, unresisting conformity, was deceived by the submissive deportment of the clergy, and the flattering representations of the prelates and their friends. The appearance of opposition, instead of inspiring his councils with moderation, or his mind with a presage of the spirit that afterwards per-

[84] Calderw. vi. 399. Spottisw. 534.

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vaded the nation, roused his exalted ideas of the innate prerogative inherent in kings. At present, indeed, the five articles, into which the ceremonies proposed for the church were digested, may appear too insignificant to require or to justify, either the resistance of the clergy or the interposition of the king. But the slightest innovations are important in religion, and in some of those articles the most recondite, in others the most controverted doctrines of Christianity were involved. As the consequences were memorable, an explanation of each article is necessary in a history frequently occupied with ecclesiastical transactions.

Kneeling at the communion.

I. The real presence of Christ in the eucharist, is a doctrine which, however loudly disputed, is maintained under slight or nominal shades of distinction, by almost every denomination of Christians. According to the papists, the elements are *transubstantiated* in a manner imperceptible to sense; the bread into the body, the wine into the blood of the Son of God. According to the Lutherans, the bread and wine are *consubstantial* with the body and blood of Christ, whose person is mystically incorporated with the substance of the eucharist. The Calvinists again are persuaded that the *corporeal* parts of the nature of Christ are *spiritually* conjoined with their sacramental symbols, received by the faithful and swallowed *spiritually* through the intervention of faith [85]. The

[85] Mosheim's Eccl. Hist. iv. 79. Thirty-nine Articles, 27. Confession of Faith, ch. xxix.

adoration offered by papists to the corporeal, is withheld by reformers from the spiritual presence of Christ in the eucharist. In the English church, however, where the doctrines of Calvin are blended and decorated with the ceremonies of Rome, the gesture of kneeling is retained in the administration of the sacrament, as a mark of veneration rather than of worship, directed neither to the consecrated elements, nor to the spiritual combination of material substances. But the Scottish reformers were apprehensive, that the adoration, addressed at first to an invisible being, would soon be transferred to the intermediate object presented to the votary, and again degenerate into an idolatrous worship. Every genuflexion was therefore prohibited, and their communion was regulated by a scrupulous imitation of the paschal supper. The apostles reclined or sat with their master at table. The presbyterians, instead of kneeling like penitents to adore the elements, seated themselves as guests, to enjoy the hospitality of the genial board [86]. The altars which they had demolished, were replaced by tables, on which the consecrated ~~viands were~~ broken and distributed by the communicants themselves, according to the primitive institution of their divine repast. Such minute observance of the apostolical supper was dictated by their antipathy to the Romish worship, and their desire to recede from whatever was superstiбread

[86] Christ, says Knox, sat at supper with his disciples, therefore sit we. First Book of Discipline.

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tious; nor was the posture recommended by James at the administration of the sacrament, less obnoxious as a departure from established forms, than as an approach to the idolatrous sacrifice and adoration of the host.

Private administration of the sacraments.

II. III. As Christ is received in the eucharist, the Holy Ghost is imparted in baptism, but the manner of his incorporation with the baptismal water has excited no schism, and scarcely a speculation in the Christian church. The importance of these sacraments is more controverted. In the Romish communion, baptism is conferred in any place on weak children, and the eucharist is administered in private to the sick; both as sacraments essential to salvation, the former to cleanse from the original corruption of the human race, the latter to efface every subsequent stain contracted by the flesh. They were received in a different acceptation by the reformers. The waters of regeneration were considered as an adoption by Christ into the bosom of his church; the carnal repast of the papists as a covenant and spiritual communion with his person; each efficacious in the remission of sins, and important, though not essential to salvation. The celebration of these rites was accordingly confined to the church, when the congregation was assembled. The requisition made by James for their administration in private, was meant, perhaps, as a solace to the afflicted parent, or the expiring christian, but to the orthodox it seemed to be a renewal of those

popish doctrines, against which their humanity or their reason revolted, that unbaptized infants are excluded from bliss, and that the host on the bed of death is essential to salvation[87].

IV. In the primitive ages, baptism seems to have been accompanied with imposition of hands. This early form of benediction was afterwards detached, and appropriated to bishops as a confirmation of the baptism which the inferior clergy administered, under their auspices, and with a delegated power. Its importance was magnified till it was placed in the rank of sacraments, and retained by the English reformers as a renewal of their baptismal engagement; a source of strength, and of the seven gifts of the Holy Ghost. Confirmation, however, was inconsistent with the spirit of the church of Scotland. It argued, in the administration of baptism, a subordinate and imperfect power, derived by presbyters from the episcopal order. Its introduction was disguised by James as a benediction of youth, to be pronounced on an examination of their religious progress: but the clergy easily perceived that the benediction would be bestowed by an imposition of the prelate's hands, and converted into a solemn confirmation of baptism[88].

Confirmation.

V. The festivals and fasts of the Romish ritual, had been altogether abrogated at the reformation in Scotland. In England the most superstitious only were retrenched; and of the holidays dedi-

Fasts and festivals.

[87] Examination of the Articles of Perth.

[88] Ibid.

BOOK I. 1617.

cated to genuine saints, or instituted to commemorate remarkable passages of evangelical story, a long list, burdensome in the observance, was still retained. Five of the most important of these were selected for Scotland; Christmas, Good-Friday, Easter, Ascension, and Pentecost: but their importance had no tendency to conciliate the presbyterians. They objected, with some truth, that the nativity of Christ was of an uncertain date; that the institution of Christmas was an imitation of the idolatrous Saturnalia of the Romans; that an Easter and Pentecost was the revived ceremonial law of the Jews; that the anniversary of the birth, crucifixion, or resurrection of Christ, was no more consecrated by his actions than the form of the manger in which he was born, of the cross on which he suffered, or of the sepulchre in which he was quietly inurned [89]. They appealed to the early and more orthodox declarations of their sovereign, that the Genevan church had no warrant for the celebration of Christmas or Easter; and against every ceremony they pleaded his former unqualified censures of the English service, that it was little better than

[89] Examination of the Articles of Perth. The nativity, according to the computation of some, happened in September; and of others, in May. It was observed for the three first ages in the eastern church on the 6th of January, but was transferred in the western church to the 25th of December, to coincide with the civil term of the winter solstice; an universal festival among the northern idolaters. Beausob. Hist. Manich. 11. 699. Bingham, Antiq. Chr. lib. 20. ch. 4.

a translation of the mass, of which it wanted nothing but the elevation of the host[90]. His apostacy from the Scottish church was notorious; and the approximation of these ceremonies towards the Romish ritual, reflected perhaps an unjuſt discredit on the sincerity of his attachment to the protestant faith.

Assembly of St. Andrew's.

Previous to his departure, these ceremonies were partially enforced within the precincts of his court. The privy-council, the prelates, and the nobility, who resorted thither, whose devotion was flexible, or whose zeal in the cause of reformation was sincere, were directed to attend at Whitsuntide, and to communicate kneeling in the royal chapel; and this compliance, which was at first a passport to favour, was converted afterwards into the tenure by which their offices were held. On the king's departure an assembly was held at St. Andrew's, but the clergy still evaded what they durst not openly resist; they acquiesced, with many restrictions, in the private administration of the communion to the dying; ordained the elements to be distributed by the minister to each communicant, and deferred the remainder of the articles to the more enlightened decision of a future assembly. Their concessions, instead of proving satisfactory, were resented by James as a mockery of his demands. Proclamations were issued for the observance of festivals, and the servants of the crown were again enjoined

Novem.

[90] Calderwood, 256.

BOOK I. 1617.

to communicate kneeling at Easter and Pentecost. But the approbation of a general assembly was still solicited; and at last, after much preparation, it was obtained by the prelates[91].

Assembly of Perth.

This assembly, which is memorable as the last in the reign of James, was convened at Perth. It was composed of prelates and of lay-elders appointed by the king, moderators of presbyteries whose seats were permanent, and clergymen selected by the bishops in their diocesan synods. The office of moderator was assumed by the archbishop of St. Andrew's, as privileged to preside within his own province. Their deliberations were confined to a private committee, partially chosen. A perplexing question was proposed in public, on which each member was required to vote, "Will you assent to those articles, or disoblige the king?" Upwards of forty members dissented, abashed and silenced, yet not entirely dismayed at the king's displeasure; but the five articles were indiscriminately adopted[92].

1618. Articles of Perth enforced.

The authority of public assemblies operates as a feeble restraint upon the sense of a nation. The articles of Perth were examined with freedom: the assembly itself was arraigned as informal. The orthodox rejected its conclusions with abhorrence, and moderate men, the most remote from enthusiasm, disapproved of a servile, and to the national

[91] Calderwood, MS. vi. 342. 408. 17. Spottisw. 536.

[92] Perth assembly examined by Calderwood—Vindicated by Lindsay. Lord Hailes Memorials, 1. 89.

dignity, a degrading imitation of the English ritual. In fact, the ceremonies had no better recommendation than the injunctions of the king. They were imposed by the prelates as things in themselves indifferent, in which obedience is due to the supreme power; without recollecting, that whatever is indifferent in religion should belong to the votary's discretion or choice. But the ceremonies had acquired such importance in the king's estimation, that their introduction became the exclusive object of his future reign. His lenity to papists discovers a disposition not naturally intolerant, but the presbyterians had offended him beyond forgiveness. Resentment, mistaken in a superstitious mind for the result of piety, had excited a secret hope, and a vindictive desire to obliterate every trace of their national worship. Conformity was accordingly urged with vehemence, and encountered with an aversion proportionally obstinate. The people were admonished by proclamation, to observe the festivals; the clergy were exhorted to practise the new rites prescribed for the church. But in Edinburgh, the citizens persisted at Christmas in their daily occupations, and the churches devoted to the prelates, were deserted at Easter, unless by the judges and the lawyers, a servile train, who were compelled to receive the communion on reluctant knees. In country churches, the people, when required to kneel, arose from the table and departed; but wherever the orthodox form of sitting was

BOOK I. 1618.

preserved, they resorted in crowds to enjoy the fellowship and familiar communion of Christ [93]. A nation whose prayers to the deity are uttered on foot, and in an erect posture, was not disposed to obey the requisition of the sovereign, and to bend the knee to the sacramental symbols.

1619. Queen's death. March 3.

In consequence of the accession, the royal family was so much estranged from Scotland, that our attention is first arrested by the queen's death. Her character is justly described as amorous, bold, intriguing, immersed in politics, and impressed with little reverence for her husband's spirit or his talents for government [94]. Henry prince of Wales, an accomplished youth, and endeared to the English by his martial spirit, expired prematurely at the age of eighteen; but the grief occasioned by his death was effaced by the splendid and popular nuptials of the princess Elizabeth with the elector palatine. The elector elated by his alliance with England, accepted the crown of Bohemia from the revolted inhabitants; but the fatal battle of Prague despoiled him both of his new kingdom and of his hereditary dominions. Negotiations and arguments were the chief succours provided by James, to reinstate the distressed family of an only daughter: but his negotiations were so ineffectual that his embassies became the derision of Europe; and so expensive, that sup-

[93] Calderw. MS. vol. vi. 447. 521. 3. 5. 7. 9. Row's Hist. of the Kirk, MS. 521.

[94] Portraits of Illustrious Persons of Scotland.

plies were requisite as if he were engaged in actual preparations for war. Voluntary contributions were solicited from a convention of the nobility, from the city of Edinburgh, and the college of justice; but benevolences were unknown in Scotland, and the precedent for their introduction was respectfully evaded. A parliament was generally recommended: disgusted, however, at the turbulence of the preceding, James was still unwilling to call a new parliament, till the contributions which he demanded were again refused[95]. BOOK I. 1620. 1621. Jan.

The parliament was held at Edinburgh, by the marquis of Hamilton. Hitherto in the election of lords of articles, the temporal had nominated eight of the spiritual, the spiritual eight of the temporal peers, and the commons equal proportions of their own order for the shires and boroughs. An important innovation was now introduced. Eight noblemen were chosen by the prelates; eight prelates were again appointed by these nobles; the sixteen selected an equal number of burgesses and lesser barons from the third estate; and the nomination of the whole devolving thus on the bishops, was virtually transferred to the king himself. A supply of four hundred thousand pounds Scotch was granted; but such was the poverty of the country, that a sum equivalent to little more than thirty-three thousand pounds sterling, required three years to be levied by a general land-tax. The twentieth penny, or a tax of five *per cent.* was im- A parliament. Aug. 4.

[95] Spottisw. 541. Lord Hailes' Memorials, &c. i. 108.

BOOK I. 1621.

posed upon interest, an extraordinary and injudicious mode of taxation, of a nature highly detrimental to credit [96].

Articles of Perth confirmed.

A confirmation of the five articles of Perth was an object not to be neglected by James. The clergy from the adjacent presbyteries strove to deprecate, or to avert the blow. But their supplications to parliament were intercepted, and the petitioners imprisoned; their private applications to the estates were detected, and their order was arbitrarily expelled from Edinburgh. Their exertions, however, were not wholly ineffectual; the articles of Perth were resisted by a numerous party, and were confirmed only on the commissioner's assurance, that no further innovations would be proposed by James [97].

Persecution begun.

The high commission had been charged with the hopeless task of intercepting labour on holidays, and extorting genuflexions from a people by whom genuflexion was abhorred as idolatrous. Treatises against the articles, or assembly of Perth were prohibited; but Calderwood, who had evaded hitherto the sentence of exile, escaped to Hol-

[96] Spottisw. i. 127. Calderwood, MS. vol. vi. 541. The tax on interest or annual rents excited much opposition. The amount of the land-tax was not specified, as it sounded meanly compared with the recent subsidies of the English parliament. But the lands estimated by an old valuation at 1*l.* were assessed at 30*s.* church lands and others in proportion, and the whole was understood to amount to 400,000*l.* Scots.

[97] Spottisw. Calderw. MS. vol. vi. 531. 42. 54. The articles were carried by a majority only of twenty-seven.

land, where his publications were securely multiplied and diffused through Scotland. Severe penalties were denounced against those who abstained from public worship upon holidays, or who rejected the communion when required to kneel[98]. The clergy were harassed and oppressed by persecution; they were suspended from the ministry, deprived of their benefices, imprisoned or confined to remote districts; and, during the short remainder of an unimportant reign, desolation spread through the whole church. But the rigour of the high commission was endured with fortitude. Regarding its authority as usurpation, and their own character as indelible and sacred, the clergy, when displaced or degraded, persisted in their functions; preached and instructed publicly, or in private assemblies; and abated nothing of their accustomed invectives against prelacy, in the confidence that banishment would not be inflicted, as the ministers already expelled from Scotland, had found a safe asylum in the reformed churches of the continent, from which their exhortations were received with increased veneration. Persecution was at length extended beyond the clergy: and the conformity of Edinburgh was anxiously solicited, from a well-founded persuasion, that the example of the metropolis would predominate through the kingdom. The city was threatened with the removal of the government, and courts of justice; the magistrates hostile to conformity

BOOK I.

1621.

1622.

1623.

[98] Calderwood, MS. vol. vi. 447. 80. 515. 32.

BOOK I. 1624.

were displaced; and the most contumacious among the citizens were selected and destined for the severe punishment of oppressive fines and a remote imprisonment, prevented only by the death of James [99]. Persecution, however, was an ungracious task, which the council declined, and it was necessary to admonish even the prelates themselves, "not to suffer the sword to rust; that the "popish religion was a disease of the mind, but "the puritan a more dangerous disease of the "brain." An impolitic severity was recompensed with the bitter, and customary fruits of intolerance, more obdurate aversion, a stedfast attachment to the good old faith, a distaste and secret disaffection to government: and the success of these violent measures may be estimated by the reluctant confession extorted from James, that the churches were already deserted, and private conventicles already established [100].

1625. Death,

In the preceding narrative, I have endeavoured to comprise a series of ecclesiastical transactions, extended through the last years of the reign of

March 22.

James. His death was occasioned by a tertian ague: but in a credulous age, and among a discontented people, the application of some empyrical remedies excited vague and unfounded suspicions of poison. He expired at the age of fifty-nine, in the fifty-seventh year of his reign in Scotland, and the twenty-second after his accession to

[99] Calderwood, MS. vi. 483. 6. 14. 635. 8.

[100] Id. 554. 610. 12. 15.

the throne of England. His fortune was superior to that of his progenitors, and his felicity greater than that of his descendants. His person inherited no share of the beauty of his parents, nor his mind a portion of the exalted spirit which distinguished his ancestors. He was stedfast in his friendship; but his affections were irresistibly attracted, by address or elegance, to the most worthless of mankind. He was naturally lenient, yet vindictive and intolerant; and in consequence of an extreme facility, was frequently betrayed by his minions into a compliance with their most criminal pursuits and pleasures. Though unreserved and familiar, he was capable of profound dissimulation and cunning; and from a predominant vanity, accessible and prone to the grossest adulation, he was pedantic without the merit of useful literature, and prodigal without the praise of true generosity.

His tranquil reign was beneficial to England; but to Scotland it was unprofitable, as it was spent in a contemptible struggle with the clergy, and in a vain attempt to surmount the religious persuasions of his subjects. Historians partial to his family, have sought a vindication of his misconduct in the dangerous independence of a sullen enthusiasm, requiring an intermixture of more refined superstition; and have discovered an apology for his miscarriage, in the uncertain operations of the religious spirit, which, when infused into faction, is susceptible of no calculation or control. That the ecclesiastical should be subordinate to the civil

BOOK I. 1625.

establishment is essential to the preservation of every social institution; and if his views had extended only to the reduction of that dangerous independence which the church had assumed, the vindication would be just. But the monarch who aspires to regulate the national faith, forgets from whom his authority originates; and in every innovation it should at least be considered, that there is danger in counteracting the tide of popular opinion, the source of power, and its exclusive support.

THE

HISTORY

OF

SCOTLAND.

BOOK II.

Accession of Charles.—Revocation of Tithes.—Scots in Gustavus' service.—Coronation.—Parliament. Balmerino's Trial.—Canons and Liturgy introduced.—Tumults, Supplications, Accusation of the Prelates.—Tables and Covenant instituted.—Assembly at Glasgow.—Preparations for War.—Pacification, Assembly, Parliament.—War renewed. Expedition into England.—Treaty at Rippon.

BOOK II.

1625. Accession of Charles.

THE accession of Charles, the only surviving son of the deceased monarch, was succeeded in Scotland by twelve years of profound tranquillity; a period diversified with few transactions, and not distinguished by any strong indications of the convulsions with which the country was afterwards agitated. Among a people inured to laws and predisposed to submission, almost every commotion may be deduced from the improper

BOOK II 1625.

interference and innovations of government, or from an injudicious opposition to those changes which are silently effected on the public mind, or in the progress of society are imperiously required. If the people had been neglected or forgotten by the court, their tranquillity might have been prolonged to a distant period: but if their affections had been secured by timely concessions, a barrier might have been formed against the free spirit which now began to predominate in the English nation.

Objects of the new reign.

But the mind of Charles was confirmed by education, in every speculative tenet which his father had adopted. The divine, indefeasible right of kings, was suggested to James by the resistance and misfortunes which his mother had experienced[1]; and it was preposterously maintained, when his own premature elevation to the throne could be justified only by the popular voice. To Charles it appeared to possess the evidence of an intuitive axiom, and the converse doctrine of implicit submission, the authority and the sanction of a moral obligation[2]. The hierarchy was recommended to James by resentment and policy, as an institution hostile to presbytery, and congenial to monarchy, and to a superstitious mind insusceptible of fervor, it presented a ceremonious ritual which relieved the languor of vacant devotion. From the early impressions of youth, the hierarchy

[1] Basilicon Doron.

[2] Burnet's Memoirs of the Hamiltons.

was revered by Charles as a divine institution, and allied to monarchy by a common origin. In his paternal instructions to his eldest son, James had dissuaded a marriage with one of the Romish faith[3]; but forgetful afterwards of his own injunctions, he had industriously solicited an alliance with Spain. No sooner had it miscarried than Charles was contracted to Henrietta Maria of France, a princess distinguished by vivacity and beauty, whom he now espoused; whose religion was a partial cause of her husband's misfortunes, and the source of misery to their remotest posterity. The introduction of a liturgy, and a general revocation of the tithes and benefices usurped by the laity, had been projected by James, though deferred in consequence of the unexpected opposition to the articles of Perth. But his schemes had been carefully infused into Charles; and in the execution of these dangerous, and useless projects, the tranquillity of Scotland was imprudently sacrificed. A national liturgy was retarded for a time by his continental wars, or by the disputes in which he was involved with his English parliaments; but the revocation of impropriated tithes and benefices was among the first acts of the new reign.

BOOK II. 1625.

This revocation was strictly legal, and not entirely unexampled in the history of Scotland. A few favourites of one reign might be stript of their inordinate acquisitions in another; and to

Revocation of tithes.

[3] Basilicon Doron.

BOOK II. 1626.

prevent a prodigal waste among favourites, the royal domains, on which the monarch subsisted formerly with sufficient splendour, were *annexed* to the crown, as a patrimony never to be alienated, unless the annexation were previously *dissolved* by parliament. A subsequent ratification in parliament was insufficient to prevent a revocation of the grant, and without the intervention or the aid of a statute, the patrimony of the crown might be summarily resumed. The present revocation was intended to aggrandize the dignified clergy; and was confined to those tithes and benefices which, reverting after the reformation to the sovereign, had been exhausted in gifts to the importunate nobles. But the spoils of the church had been too generally diffused to be relinquished without reluctance, and too long enjoyed to be resumed without injustice. Almost all the nobility and many of the gentry had been enriched by the plunder, and a convention of estates rejected every proposition for the surrender of tithes. Their refusal so much incensed the king, that the act of revocation, which had been previously framed, was precipitately published. It extended beyond the reformation, to the distance of eighty-three years[t], and comprehended every grant of the two preceding reigns. A premature attempt could only serve to alarm and exasperate the nobles; nor were the privy-council, or the ministers disposed to co-operate in a measure hostile to their

Oct 27.

Nov.

[t] Parl. 1633, ch. ix.

own interest, and concerted in all probability without their advice[5]. BOOK II.

The convention threatened to produce the most tragical event. The earl of Nithisdale was employed as commissioner, to extort an unconditional surrender of tithes; but the proprietors were prepared to disappoint his mission, and if no arguments could persuade him to desist, were determined, according to the practice of their ancestors, to massacre his adherents and himself in the midst of the convention. Belhaven, a blind and aged lord, was placed at his own request next the earl of Dumfries, whom, as if to support his weakness, he grasped with one hand, and in the other secreted a dagger, to plunge into his heart on the first commotion. Nithisdale, intimidated at their hostile appearance, or apprised perhaps of his danger, suppressed the most violent part of his instructions, and returned to court[6]. 1625. Opposed by a convention. 1626.

An ecclesiastical convention proved less refractory. At the reformation no provision had been Supported by the clergy,

[5] The officers of state were partly altered; and the privy-council and courts of justice were new modelled to introduce the prelates into each department. A new court was also erected in imitation of the star-chamber, under the name of a commission to try grievances. But in consequence of the opposition of the nobility, this commission of grievances was suffered to expire. Row's Hist. MS. p. 265. Lord Hailes' Catalogue of Lords of Session. Balfour's Annals, MS. Additions, 1626.

[6] Burnet, Hist. vol. i. 24. edit. 1753. Row, 265. Sanderson's Hist. Introduct.

BOOK II. 1637.

made for the clergy, till a third of the benefices retained by the popish incumbents was appropriated to their support. When the monastic benefices were impropriated or erected into temporal lordships, the thirds were frequently discharged or commuted, and the provision, which was always scanty, became altogether inadequate on the revival of prelacy, when the thirds of benefices were assigned to the bishops, and the maintenance of the clergy within each diocese was entrusted to their care. On the expedition of James to Scotland, a committee of parliament was first appointed, to allot to each minister a stipendiary provision from the tithes of his parish; (moderate, yet not inadequate to the times[7];) but from the interested policy of the commissioners, the poverty of the clergy was not relieved. They had long eyed, and were still urgent to recover the patrimony of the church. In a convention summoned or selected by the prelates, it was not difficult to procure an application to the king for a legal and established provision to the clergy. Such were their sanguine expectations, that they anticipated the recovery of tithes through the king's assistance; and had already begun to inveigh from the pulpit at the unjust detention of their sacred inheritance. They were charged with a more invidious task, to estimate and prepare a correct statement of the tithes impropriated in their respective parishes; and we

[7] Not exceeding a thousand, nor less than five hundred Scottish marks. Parl. 1617.

may presume that they had no temptation to undervalue the objects of their devout regard[s]. As it was the interest of the nobles to under-rate the tithes, it would appear that the competition of those privileged orders had roused a different description of men, whose interest and title had not yet been consulted.

and landholders.

If the interest of the community had been consulted at the reformation, when, instead of a beneficed priesthood, a clergy strictly stipendiary was instituted, the tithe of industry would have been abolished as a superstitious, and oppressive tribute. If the claims of substantial justice had ever been recognised, each proprietor would have recovered the tithes of his own estate. But as tithes were a peculiar property in law, distinct from the lands out of which they were produced and exacted, they were usurped by the crown, on the maxim that whatever is unoccupied reverts to the sovereign; and the combination of a legal fiction with a feudal usage, superseded every consideration of expediency and justice. When distributed among the nobility, they were levied with unaccustomed rigour, and often with circumstances of wanton oppression. The grievance was alleviated, though not entirely removed, by the interposition of parliament. But the landholders, who still felt the rapacity, or remembered the oppressive insolence of the *titulars*, were disposed to co-operate in every measure for the

[s] Row, p. 226. Crawford's Hist. MS. vol. i. sec. 9. p. 2.

BOOK II. 1627.

recovery or the transference of their tithes to the crown. As far as can be collected from the vague declaration of Charles, who had already intimated a desire for their relief, they concurred with the clergy in a general application for the resumption, and a more equitable distribution of tithes[9]. The views of these bodies were inconsistent, and their interests would have ultimately proved irreconcileable: but the general revocation was a preliminary measure in which both coincided, and their united influence, in opposition to the nobles, contributed a large accession of strength to the crown.

King's arbitration.

The ascendancy thus acquired was dexterously improved. A commission was issued to receive, under certain implied conditions, the surrender of impropriated tithes and benefices. At the same time, prosecutions were successively commenced against those who refused to accept the offers, and to submit to the award of their sovereign as umpire. The nobles, separately prosecuted, had no means of defence. The weakest, or the least refractory were first selected; and the rest, unprepared to resist, and instructed in the consequences of a legal judgment, acceded reluctantly to the arbitration of the king[10]. But it was difficult to reconcile the interest of the landholders, and the ex-

1628. Feb.

[9] King's Large Declaration concerning the late tumults in Scotland: written by Dr. Balcanqual. Treatise of Tithes, MS. Adv. Libr.

[10] Large Declaration, p. 7. Heylin's Life of Laud, 238.

pectations of the clergy with the conditions implied in the surrender of tithes and benefices; or if the claims of such opposite parties were satisfied, to secure any valuable reversion to the crown. The property of church-lands was still retained by the lords of erection, and the feudal superiority alone resigned; the tenures of the vassals who had formerly held from the church, were transferred to the sovereign; but their rents or feu-duties continued due to the lords of erection till redeemed by the crown. With respect to tithes, the landholders acquired a right to sue for a valuation or modus, and unless when appropriated to churchmen, to purchase the tithes of their own estates. A revenue of six *per cent.* out of all tithes, and a right to redeem the feu-duties at ten years purchase, were the only advantages reserved to the crown; and on these conditions the commission proceeded to receive surrenders, to adjudge the valuation and sale of tithes, or to augment the provisions allotted to the clergy[11].

Its effects on the nation.

The award pronounced by Charles in a question so unwisely agitated, was certainly not productive of general satisfaction. Among a large class of the nobility, it excited permanent though secret discontent. In a country where litigation was always tedious, and at a period when justice was peculiarly venal, the landholders were seldom able to cope with the impropriators; and, from the general scarcity of money, nine years valua-

[11] Treatise of Tithes, MS. Acts Parl. 1633.

BOOK II. 1628.

tion, a consideration almost equivalent at that period to the price of lands, could seldom be afforded for the purchase of tithes [12]. The benefits of the arbitration were defeated by the poverty of the crown, and its inability to redeem the feu-duties of church-lands; or were so slowly diffused, that a small proportion of the tithes remains still unpurchased; and the dependence of the vassals was not relieved, nor the situation of the landholders much amended. If instead, however, of being assumed by the crown, the right of redeeming the feu-duties had been conferred on the vassals, their industry would have been stimulated and their servitude soon effaced. If the tithes had been gratuitously restored to the landholders, their attachment would have been secured by a benefit exceeding their most sanguine expectations; and the nobles, counterbalanced by a numerous, and powerful body, must have acquiesced in the sudden loss of a recent, and invidious revenue out of their neighbour's estates. Such bold and useful schemes of policy were neither suitable to Charles, nor perhaps to the times. The resentment of the nobility was perpetuated by an injury rather suspended over them, than actually inflicted. Irritated at the loss of the superiority, and jurisdiction of church-lands, they foresaw that their

[12] Ten *per cent.* was then the legal rate of interest, a proof that the common price of lands was ten or twelve years purchase. Charles asserts, that according to the rate of purchasing in Scotland, the tithes were paid to the uttermost farthing. Large Declaration, p. 9.

power would be reduced still further whenever their tithes were purchased by the landholders, or their feudal emoluments redeemed by the crown. Their disquiet was prolonged by the precedent for a more indiscriminate revocation; and every purchase of tithes ministered fresh offence. Their discontent expanded on every national grievance. In the motives from which the revocation derived its origin, and in the object to which it was still directed, they discovered a source of popular disaffection and clamour. The design of augmenting the episcopal benefices, though hitherto frustrated, might be effected by transferring to the dignified clergy the superiority of church-lands when the feu-duties were redeemed [13]: and at a future period Charles discovered that the nobility, so submissive during his father's reign, were leagued with the presbyterians in opposition to the crown [14].

BOOK II. 1629.

[13] Burnet, vol. i. 23. For that purpose the Abbey of Aberbrothick was purchased from the Hamilton, and the lordship of Glasgow from the Lennox family.

[14] "Milord Clarendon disoit ici, que la premiere semence des mouvemens d'Angleterre, qui n'ont que trop eclate sous le regne de Charles I. venoit de ce que ce prince avoit temoigné, peu après qu'il fut monté sur le trone de son pere, qu'il vouloit retirer les biens ecclesiastiques des mains de la nobless, avec qui Henry VIII. auteur du schism, les avoit partagez." Vigneul-Marville, i. 149. Warton's edit. of Pope, i. 131. note. This fact, which Clarendon used to mention when he retired to Rouen, and which the author gives as a circumstance not noticed in history, must relate to the revocation of

BOOK II.

1629. Scots in Gustavus' service.

During these domestic transactions, the enterprising, or vagrant disposition of the natives, obtained a new direction among foreigners, and a field for the acquisition of military renown. A regiment which Mackay, lord Reay, had levied in the north for the king of Denmark, had received an honourable discharge at the conclusion of the war, after two unsuccessful campaigns against the imperialists. The regiment, instead of being disbanded, enlisted under the banners of Gustavus Adolphus of Sweden, whose bounty had already attracted several Scottish officers, and the resort of their countrymen completed other regiments, incorporated afterwards into a national brigade[15].

1630.

When the Swedish monarch invaded Germany, Charles, desirous of procuring the restitution of the palatinate, engaged to support him with six thousand men: but, in order to preserve an apparent neutrality, the marquis of Hamilton, a young man, was directed to conclude the treaty

tithes, &c. in Scotland, the only occasion on which Charles ever manifested his design to recover the ecclesiastical revenues from the nobles.

[15] Monro's expedition under Gustavus. This brigade consisted of four regiments; upwards of 2000 men. The British in Gustavus' service before Hamilton's reinforcements were raised, are computed by Harte at 10,000 men, of which, to judge from the officers, the majority were Scots. Monro enumerates, of Scots, thirty-five colonels and fifty lieutenant-colonels; of the English, only three colonels in Gustavus' service.

as if an independent prince, and to furnish the troops in his own name. The expedition was retarded by a charge of treason preferred against him by his hereditary enemy, lord Ochiltree [16], who asserted that Ramsay, employed to negociate on this occasion with Gustavus, had imparted to lord Reay a design, when the army should return, to establish the marquis of Hamilton on the throne of Scotland. As the evidence had no tendency to criminate Hamilton, his accuser was condemned to perpetual imprisonment; and a judicial combat, preposterously awarded to Reay and Ramsay, was not prohibited till the lists were prepared, and the combatants ready to engage in arms [17]. After a short delay the expedition was resumed, and the troops transported to the banks of the Oder. Their numbers were magnified to twenty thousand by an opportune report, which occasioned a large detachment from the imperial army, and contributed to the victory obtained by the Swedes at Leipsic. The original brigade of Scots contributed more effectually to that decisive victory [18], by which the whole German empire

BOOK II. 1630. 1631.

[16] Burnet's Mem. p. 5. Lord Ochiltree's father, Captain James Stuart, had usurped the titles and estates of the Hamilton family, in the minority of James.

[17] Lord Ochiltree, as he failed to substantiate the charge, was convicted of leasing-making, and imprisoned for twenty years, till released by Cromwell.

[18] Platoon firing was first employed in this battle by the

BOOK II. 1632.

from the Baltic to the Rhine, from the mouth of the Oder to the source of the Danube, was opened to the career of the victorious Swede. Hamilton's forces co-operated afterwards with those of Gustavus, and among other atchievements, recovered Magdeburgh, formerly sacked by Tilly with the massacre of thirty thousand of its inhabitants; but in a country wasted by the sword and afflicted with pestilence, the Scots were gradually reduced by diseases, and at length were incorporated into the Swedish army. The restoration of the elector palatine was now solicited; but it was declined by Gustavus, except upon conditions calculated to reduce the elector to a vassal, and the palatinate to an hereditary province of Sweden. This conduct in the Swedish monarch has been variously ascribed to his ambitious design of subjecting the Germans, for the preservation of whose religion and liberties he at first interposed, or to the honourable desire of obtaining from Charles a more efficient and avowed support [19]. But the marquis of Hamilton, unequal perhaps to the exact discharge of a subordinate station, was impatient of control; and the king of Sweden was unwilling to entrust a young nobleman, no way distinguished in arms, with a supreme command. Hamilton was therefore recalled in disgust, a few

Scottish regiments, to the amazement of the Imperialists. Harte's Hist. of Gustavus, 1. 407.

[19] Burnet's Mem. Harte.

weeks before the battle of Lutzen, in which Gustavus perished, and his troops obtained an immortal victory. The Scots had adhered to his standard, and continued to participate, after his death, in the fortune of his generals. Their regiments were occasionally recruited with fresh adventurers; and their country, after its rupture with Charles, was supplied with veteran officers, not less versed in the military art, than attached by a long warfare to religious liberty and the protestant faith.

1633. King's journey to Scotland.

Such was the situation of the Scots, enterprising abroad, and discontented at home, when Charles, who was not as yet inaugurated, prepared to revisit his native kingdom. His progress through England was magnificent: his reception in Scotland was affectionate and joyful. The nobility vied with the English in the most profuse hospitality, and in the ruinous consequences of their present waste, historians have discovered a partial cause of their future disquiet [20]. The coronation was performed by the archbishop of St. Andrew's, but a splendid and religious ceremony was rendered less impressive by the introduction of an altar and of unaccustomed rites, which the people viewed with abhorrence, and were unable to discriminate from the Romish mass. These innovations were ascribed to Laud, a priest without private vices or public virtues, whose ascen-

June 8.

Coronation.

[20] Clarendon, i. 79.

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BOOK II. 1633.

dancy over Charles began to be perceptible, and whose interference in ecclesiastical transactions was offensive to the nation. It was observed at the coronation, that he displaced the archbishop of Glasgow with the most indecent violence from the king's side, because that moderate prelate had scrupled to officiate in the embroidered habits prescribed for his order [21].

Parliament. 19—27.

The coronation was succeeded by a parliament which sat, as usual, only on two days. The first was appropriated to the election of the lords of articles; the last was reserved for confirming the articles prepared by that committee, whose deliberations occupied the intermediate period. A new stratagem was employed to secure their election. The prelates named by the chancellor, selected the nobles, who concurred with them in the choice of burgesses and lesser barons from the remaining estate [22]. Their supplies were liberal, and unprecedented. A land-tax of four hundred thousand pounds Scotch, and the sixteenth penny of legal interest, were granted for six years: the rate of interest was reduced from ten to eight *per cent.* and the two *per cent.* taken from the creditor were assigned for three years to the government. The power of prescribing robes for the judges, and apparel for churchmen, had been conceded,

[21] Crawford, sect. 9. p. 12. Row, 278. Rushw. ii. 182. Spalding's Hist. of Scottish Troubles, i. 23.

[22] Id. Cowper's Apologetical Nar. MS.

as a personal privilege to James. This important privilege was artfully combined with a renewal of the indefinite prerogative conferred on that monarch, and with the confirmation of every statute respecting religion as it was established then. The importance, or the danger of these articles, for which Charles was solicitous, is not at first perceptible; nor was the parliament adverse to the most extensive prerogative; but the introduction of the cope, and of the white surplice, the one an embroidered, and the other deemed an idolatrous vestment, was justly apprehended from a power to regulate ecclesiastical habits. The prerogative with which it was artfully blended, was insufficient either to repress opposition, or to conceal, that from a confirmation of religion "as "professed at present," every recent innovation would acquire an indirect sanction. Lord Melville, an aged nobleman, exclaimed aloud, "I have "sworn with your father and the whole kingdom "to the confession of faith, in which the innova- "tions intended by these articles were solemnly "abjured." Disconcerted at this unexpected address, Charles paused for a moment and retired; but when others proceeded, on his return, to deliberate, he commanded them not to debate but to vote; and refusing to separate the prerogative of which they were willing to approve, from the regulation of clerical habits to which alone they objected, he produced a list of the members, de-

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claring imperiously, "Your names are here, I "shall know to-day who will do me service[23]." A conduct not less mean than oppressive, reflects additional credit on a fact which different historians have affirmed, and which Charles has rather evaded than disowned[24]. Though rejected by fifteen peers and forty-five commoners, the articles were falsely reported by the lord register as affirmed by parliament. But when the earl of Rothes asserted that the votes were erroneously collected or falsely reported, the king interposed, and to prevent a scrutiny, required him at his peril to arraign the lord register of falsifying the record; a charge of treason which involved the unsuccessful accuser in a capital crime. Rothes, intimidated by the recent fate of lord Ochiltree, desisted from the charge, and the articles, though rejected by a majority, were ratified by the sceptre, and the parliament dissolved[25].

Public discontent.

That sincere affection with which the king had been welcomed, was now converted into general mistrust. The people were alarmed for the independence of parliament, which would be reduced to an idle pageant of state, if its voice were thus overawed by the king, or suppressed by his ministers. The nobility, whose dissent he had

[23] Row. Rushw. Burnet's Hist. History of Church and State, MS.

[24] Large Declaration.

[25] Row. Burnet's Hist. i. 29. Rutherford's Letters, part iii. letter 40.

publicly noted, were apprehensive of a vindictive proscription from favour; and the king, whom the prelates had already prepossessed against them, considered those peers as his personal enemies, the authors or abettors of a schism in the church, and of sedition in the state. They were received at court with reproaches or sullen displeasure; and excluded from a lavish dispensation of honours, were exposed by studied discountenance to the public contempt. But the public sentiment was already so materially altered, that when the king expressed his surprise at the sudden reverse which he had experienced in the popular favour, a prelate unconscious of the strange prediction, replied that the Scots were ready to crucify tomorrow, him whom yesterday they had saluted with hosannas[26]. BOOK II. 1633.

After the king's departure, an episcopal see was erected at Edinburgh, with a diocese extending over ancient Lothian, from the Forth to Berwick[27]. The dissensions of the church had been hitherto confined to its discipline and its rites; but, as if these were insufficient, the nation was agitated with a new controversy, in which the established doctrines of its faith were involved. Whether we suppose that the fall of man was Arminianism. 1634.

[26] Crawford, MS. sect. 9. p. 24. Clarend. i. 80. Rushw. ii. 183.

[27] Row, 283. Heylin's Life of Laud, 240. Edinburgh had formerly been a part of the see of St. Andrew's.

BOOK II. 1634.

pre-ordained by the decrees, or permitted though foreseen by the providence of the Deity, our reason endeavours in vain to reconcile the origin of evil with the prescience, or its existence with the perfection of an omnipotent being. According to the doctrine of Calvin, propagated through most of the reformed churches, the chosen few, before the beginning of time, were predestinated for salvation, and the rest for hopeless and eternal perdition: but the mild and recent doctrines of Arminius maintained that a state of reprobation or of bliss was pre-ordained for those whose *voluntary* lapse, or whose adherence to grace, was foreseen, yet not predetermined by an absolute decree. These tenets conducted his disciples to a further conclusion, that eternal punishment is consonant neither to the frailty of the human, nor to the beneficent perfection of the divine nature. Their opinions were at first rejected by James, from the same intolerant principle on which religious sects are not less hostile to the salvation of others, than solicitous for their own. When condemned, however, by the synod of Dort, their opinions were diffused by persecution; and, imbibed insensibly by the English monarch, were transplanted gradually from the court into the church. In Laud they obtained a zealous advocate; and on his promotion to the see of Canterbury, a powerful protector. His authority was supreme in the English, and his in-

fluence was scarcely less powerful in the Scottish church, where the young prelates, to whom his favour was preferment, caught and were ambitious to disseminate his principles. Their sermons teemed with Arminian tenets: but the authority of the synod of Dort, which was respected in Scotland, reflected discredit on the whole system of Arminian theology. Ministers, patient under every alteration of external discipline, could no longer remain indifferent to a change of doctrines interwoven with their faith. Their pulpits resounded with a new controversy; and their invectives against Arminianism, the supposed harbinger of the popish religion, swelled the outcry against innovation [28].

BOOK II. 1634.

Religious grievances are often ideal; but the trial of lord Balmerino was an act of oppressive iniquity, conducted under the shade of the laws, and with all the forms of unsubstantial justice. In consequence of his father's disgrace and death, he had lived in retirement, and till the arrival of Charles in Scotland, was unknown to the court. But his deportment in the late parliament was offensive; and his name was marked in the list of the dissenting nobility, from whom the rays of royal favour were now withdrawn. A temperate and submissive petition had been prepared by these peers, in order to exculpate themselves from the imputation of an opposition to prerogative,

Balmerino's trial,

[28] Row, 284. Burnet's Mem. 286.

BOOK II. 1634.

and to deprecate the operation of those articles from which they dissented; but when the design was intimated to Charles, as a necessary precaution before the petition was presented, or even subscribed, the royal displeasure was signified in such severe terms that it was instantly abandoned. A copy retained by Balmerino, and imparted to a confidential notary, was surreptitiously transcribed and communicated to Hay of Naughton, his private enemy. The latter betrayed the secret to the archbishop of St. Andrew's, who repaired to court, and, under the specious pretext of allegiance, revealed it to the king. He affirmed that the petition was circulated through Scotland to obtain subscriptions; declared that nothing but the opposition of the nobility had rendered the clergy hitherto so averse from the surplice; and assured the king that their refractory spirit would be soon subdued, if their patrons were selected for a severe example. A commission was issued to examine the supposed offence, and Balmerino was imprisoned on a warrant obtained by Spottiswood; but the real author of the petition, Haig an advocate, escaped to the continent [29].

for leasing-making.

It would be difficult to conjecture, what was criminal in a petition neither presented to Charles, nor divulged except to a confidential friend. There were laws in Scotland against the utterance of *leasings*, or false reports tending to excite sedition, or

[29] Row, 289. Hist. Motuum.

to sow dissensions between the king and the people; and according to the usual extension of state offences, whosoever listened with an air of approbation, and neither revealed the report nor secured its author, was obnoxious to the same capital punishment, as if equally guilty of the same crime. As the author and abettor of a seditious petition, Balmerino was accordingly arraigned for leasing-making; as the author, because the copy, found in his custody, was slightly interlined with his own hand: as the abettor, because he concealed the petition, and suffered the author to escape undiscovered. A petition, couched in the most inoffensive terms, was converted in the indictment into a dangerous libel, "that depraved "the laws, and misconstrued the proceedings of "the king in the late parliament, so seditious that "its thoughts infected the very air, a cockatrice "which a good subject should have crushed in the "egg [30]." Balmerino, who forbore to crush this unhatched sedition, was oppressed by the intrigues of the prelates, and the criminal connivance of the judges and officers of state. The court of session appointed three assessors to the justice general; Learmonth one of their number, Hay lord register, and Spottiswood their president, second son of the archbishop, whose influence had incited, and still continued to foment the prosecution. It was represented in vain that the interlineations,

[30] State Trials, vol. i.

BOOK II. 1634. as they softened the terms of the petition, could never constitute that libel which they served to abate; that the petition was neither promulgated, nor disclosed, except to a confidential lawyer for his private opinion; that there was no precedent for the trial of those who had neglected to reveal a seditious performance, or to secure its author, and that a severe law never executed must be regarded as having passed into oblivion; that it might be illegal perhaps to conceal the petition when adjudged seditious; but as its purport was apparently respectful, and intended to conciliate the king's affection, that no prudence could discover a different construction which was necessa-

Dec. 20. rily latent till determined by the court. The question was already prejudged by the court: the assessors sustained and referred the indictment to a jury, which the earl of Traquair had undertaken to corrupt or intimidate.

Condemned to death. 1635. As peremptory challenges are unknown in Scotland, the jurors are invariably selected by the judge from the return made by the clerk of court. Nine of the jury, with a single exception, were

March 20. ineffectually challenged: but when Traquair, a minister of state, was admitted, it was no longer doubtful that the rest were industriously selected for their hostility to Balmerino, or their devotion to the crown. The experiment did not entirely succeed. In the former century, Gordon of Buckie had been engaged in the murder of the

earl of Murray, and was appointed therefore as a sure man. When the jury had withdrawn, he addressed them unexpectedly in the most pathetic terms; and conjured them to reflect that the life of an innocent nobleman was at stake; whose blood would lie heavy on their souls to the last hour of their lives. While the tears streamed down his aged cheeks, he protested that his hands had once been imbrued in blood, for which he had procured a pardon from his sovereign; but that it had cost him many sorrowful days and nights, to obtain a remission to his conscience from heaven. The jury was moved with this impressive address: but Traquair, their foreman, resumed the argument, that it belonged to the court to determine whether the law was severe, or the petition seditious; whether the prisoner had concealed it was all that remained for them to decide. After a long altercation, the jury were equally divided; and in consequence of the final suffrage of Traquair their foreman, Balmerino was convicted of having heard and concealed a seditious petition, and of having forborne to reveal the author. Sentence of death was immediately pronounced; but his execution, to the great umbrage of the prelates, was suspended during the pleasure of the king [31].

BOOK II. 1635.

During the whole trial the people discovered extreme agitation. They assembled daily, in op-

Pardoned.

[31] State Trials. Burnet's Hist. Balfour's Annals. Row, 293.

BOOK II. 1635.

position to the efforts of their magistrates, in tumultuous crowds: they prayed aloud, and in the streets, for the preservation of Balmerino; applauded the exertions of his friends, and showered imprecations on the heads of his adversaries. Their rage proceeded to the most desperate designs. Many consultations were secretly held; and it was determined to burst open the prison for his release; or, if that attempt should miscarry, to revenge his death on his judges and the eight jurors by whom he had been convicted. Some had undertaken to burn their houses; others to perpetrate the massacre; when Traquair, apprised of his own danger, repaired to court, and represented that the execution of the sentence was impolitic and unadvisable, however justly the prisoner had forfeited his life. After a long and severe imprisonment, a warrant was procured for his enlargement; but a pardon was dispensed with a slow and reluctant hand. The merit of the pardon was variously ascribed to the intercession of Laud, or to the humane and merciful disposition of Charles, who was averse from bloodshed rather than from revenge; and who hesitated to execute an innocent nobleman against whom he was incensed, though prevented by no scruple from acquiring an unjust and absolute dominion over his life [32].

July.

Nov.

[32] State Trials, 291. Burnet's Hist. vol. i. 31.

BOOK II.

This iniquitous prosecution was ruinous in its consequences to the king's interest in Scotland. The people had long felt that the administration of justice was partial and corrupt; but the nobility now discovered that there was no protection for themselves, from the resentment of the prelates and the power of the crown. Whatever secret cause of offence existed; a speech or a petition, an expression of discontent or grievance casually heard, and concealed from motives of compassion or honour, might furnish a pretext for their own destruction. The lenity of their sovereign was no protection; and Balmerino, whose real crime was his conduct in parliament, justly considered the remission of his sentence as no redress of the injury which he had sustained. His danger made a deep impression on the minds of his peers. Under an infatuated, or despotical monarch, whenever the laws were perverted for their ruin, their order had found no resource but in a confederacy against the crown; and to this measure their thoughts were already directed by the frequent example of their ancestors; by the sense of their danger individually, and of their strength when united; and above all, by the inordinate and daily usurpations of the aspiring prelates.

1635. Ruinous consequences of the trial.

Since the reformation, the great seal had never been entrusted to an ecclesiastic; but, on the death of Kinnoul the chancellor, it was conferred

1636. Ambition of the prelates.

BOOK II. 1636.

on archbishop Spottiswood, ambitious in his old age to unite the first office of the state with that of the church. The lord treasurer's office, the next in dignity, was solicited by Maxwell bishop of Ross; and of fourteen prelates, nine were already introduced into the privy council, where their numbers often preponderated in debate, and their insolence often provoked disgust [33]. Their pride was immoderate and their presumption excessive: as an intermediate order of dignified clergy, they proposed the revival of mitred abbots, to be substituted in parliament for the lords of erection, and endowed with their impropriated revenues and tithes. They procured a warrant from Charles to establish subordinate courts of commission; and with six assistants whom they chose to associate with themselves, to exercise in each diocese the inquisitorial powers of the high commission. Elated with their sudden exaltation, and presuming on the patient acquiescence of the nation, they vainly imagined that there was no undertaking beyond their strength. It is observable, however, that they were neither unanimous, nor alike intoxicated with their present success. The old were ambitious; but intelligent, prudent, and from their past experience unwilling to disturb the tranquillity of the church; but the younger prelates composed a distinct party attached to Laud, zealous for innovation, imperi-

[33] Hist. Motuum. Clarend. vol. i. 87.

ous over the subordinate clergy, not less ambitious, but, with inferior abilities, more imprudent and precipitate than the older bishops. Such were the men, to whom the long projected compilation of a liturgy and canons was at length entrusted[34]. BOOK II. 1636.

Religious innovations.

Some slight approaches had already been made towards a national liturgy. At an early period of the reformation, the lords of the congregation appointed the common prayer book to be duly read, and this circumstance has excited a furious controversy, whether the order of Geneva, or the liturgy of Edward VI. was then prescribed[35]. But the English service never would have been tolerated after the return of Knox, who had removed from Frankfort on its introduction into that city; and the Genevan order had already been adopted, before it was approved in his Book of Discipline[36]. Its form was observed in the sacraments, and in the alternate order of prayers and sermon; but its prayers were proposed as an example for imitation, and not enjoined as a rule for worship[37]. An assembly, held at Aberdeen

[34] Hist. Motuum. Clarend. i. 104. Burnet's Hist. i. 32. Mem. 30. Row, 294. Guthrie's Mem. 16.

[35] Peatrie's Hist. 192. Spottisw. 117. Knox, 135. Fundamental Charter of Presbytery Examined, p. 96. Answered, 15.

[36] First Book of Discipline, ch. ii.

[37] Calderw. 19. Service and Form of the English Church at Geneva, p. 19.

BOOK II. 1636.

by the prelates, had ordained the Genevan form to be revised, and an uniform liturgy and canons to be prepared for the church: but, in consequence of the opposition to the articles of Perth, the execution of this order had been suspended during the reign of James[38]. It was resumed on the late expedition to Scotland; but the prelates considering the English service as a badge of dependence, represented that a peculiar, and distinct liturgy was due to the dignity of a jealous nation. Their pride was inflexible on this subject alone. Charles, or rather Laud was obliged to acquiesce, without obtaining an immediate, or the promise of an absolute conformity with England; but the latter was assured that no heresy, and the former that no sedition, should henceforth transpire in prayer; and, if there be a choice between superstition and enthusiasm, they were gratified with the preference of a precomposed liturgy to extemporary worship[39].

Canons.

The canons, a more compendious production, were first compiled. They were confirmed by the royal supremacy, which was again inversely confirmed, and extended by the canons to whatever the kings of Israel, or the emperors of the primitive church had assumed. The consecration and

[38] Calderw. 663. Halket's Life of Archbishop Williams, p. 61.

[39] Clarend. i. 82. Guthrie's Mem. p. 18. Laud's Troubles and Trials, 103

power of the prelates were secured from challenge by the penalty of excommunication, made more formidable by confiscation and outlawry, its civil effects. The liturgy was absurdly sanctioned before it was yet prepared: the clergy were prohibited to deviate from its forms, or even to conceive an extemporary prayer; and the deportment of the people during the future service was minutely prescribed. Under the description of irregular conventicles, sessions and presbyteries were indirectly suppressed: their powers were transferred to the tribunal of the bishops; lay-elders were dismissed from the church, and the whole structure of presbyterian jurisdiction was at once demolished. A font was ordained to be placed in the entrance, and an altar in the chancel of the church; the one, in the opinion of the presbyterians, for consecrated water, and the other for the idolatrous sacrifice and oblation of the host. Their suspicions were confirmed by a number of minute, and superstitious injunctions; that the remains of the elements, as if actually transubstantiated, should be consumed by the poorer communicants in church; that ordination, like a real sacrament, should be bestowed only at the four seasons, the equinoxial and solstitial; that the confessions of the penitent, a sure presage of auricular confession, should be concealed by the clergy; and that the Sunday should no longer

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be appropriated to the fasts of the puritanical sabbath [40].

1637. Liturgy.

The liturgy was a transcript from the English, transposed or diversified with some slight alterations. Unfortunately however, in receding from the English service, these minute alterations approached proportionably towards the Romish missal. The communion-table, where the alms of the congregation were presented as an offertory, was decorated with a carpet and placed in the east. The presbyter, for the derivative appellation of priest was suppressed, passed successively from the north side to the front of this altar, with his back to the congregation, in officiating at the eucharist [41]. The consecration of the elements was a prayer expressive of the real presence, and their elevation from the altar of an actual oblation. Thanks were given for departed saints, of whom the calendar received a large addition appropriated to Scotland; the cross was enjoined in baptism, and the ring in marriage; but the baptismal water was changed and consecrated twice a month, and retained for future ministration in the font.

Universal alarm at their introduction.

Such unmeaning alterations, adopted partly from the first liturgy of Edward VI. must be ascribed to a persuasion, common to Laud and the

[40] Heylin's Life of Laud, 298. Clarendon, Hist. Motuum. i. 106. Row, 295.

[41] See the reason in the Declaration against Laud. Nalson, i. 684.

Scottish prelates, that Rome, however defiled with corruptions, was the original, or mother-church, to which the protestants, by mutual concessions, might ultimately be reconciled. But, in consequence of those alterations, the new service became the more suspected. Its introduction had been long apprehended, and the aversion, accumulated ever since the first innovations of James, was encreased instead of being mitigated by its deviation from the English ritual. A report was soon spread, that the new liturgy was a translation of the mass, which the prelates had conspired with Laud to establish; and it was universally believed that the church was already undermined, and the national religion about to be subverted. The alarm was communicated to all ranks: from the clergy it extended to the people, to the gentry, and, with a few exceptions, to the whole nobility. Nor was the liturgy less offensive from the manner in which it was introduced.—It was imposed by the regal power and the episcopal authority, without the consent of a general assembly, which the prelates, presuming on the acquiescence of the nation, had no desire to obtain. The advice of the privy council, and the approbation of the old and experienced prelates were alike disregarded. Spottiswood, who ventured for once to remonstrate, was obliged to co-operate, and the privy council to concur in the design. A proclamation had been issued for a general conformity to the

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liturgy at Easter; but affairs were so ill concerted, that the publication of the service was retarded till the day had elapsed. A charge was then directed to the clergy, to purchase two copies for each parish under the penalty of escheat; but the anxiety of the council still delayed to enforce the observance of the charge. Nothing more was apprehended at present than a defection from the church: the schism, however, was enlarged, and the parties daily estranged by altercation. The presbyterians imputed idolatry to the most innocent, superstition to the most indifferent actions of life; and from their pulpits, in their daily conversation, and in papers, silently dispersed through the nation, they examined and arraigned the liturgy, as a compilation worse than the English service, and no less impure than the mass itself. Their adversaries demanded an immediate alteration in the established forms of national worship: in baptism, the communion, marriage, and burial, in prayers, psalms, ordination, and preaching, they urged an implicit conformity to the new service, and threatened the contumacious with the severe penalties of the ecclesiastical censures with which the canons were sanctioned; deprivation, outlawry, and the confiscation of their estates. Whosoever complied was subjected to the odious reproach of idolatry; whosoever refused to conform, was reputed a seditious and dangerous sectary, not less hostile to the church, than disaffect-

ed to government. Such violent antipathies were mistaken for the symptoms of a religious schism, and afforded the only presage as yet of an approaching convulsion [42]. BOOK II. 1637.

Spottiswood, the primate and chancellor, desirous of obtaining the tithes of the abbey of St. Andrews, had proposed that the clergy of his diocese, to whom they were appropriated, should be provided with legal stipends from their respective parishes. But the tithes of these parishes were exhausted or sold, and by the influence of the duke of Lennox, from whom they were purchased, Traquair, the treasurer, irritated at the competition of the prelates for his office, procured a warrant to dissolve the commission of tithes. Thus disappointed, the chancellor, and the archbishop of Glasgow, from whom a similar grant had been intercepted, prepared for a visit to the court; but to render their reception more gracious, and their complaints more acceptable, the introduction of the liturgy was previously undertaken by the two archbishops, who, from moderation or from caution, had hitherto been most averse from the attempt. An order for its immediate observance was obtained from the court, and without the concurrence or the knowledge of the privy council, this order was intimated from the pulpit on the Sunday preceding the introduction of the liturgy in Edinburgh. No preparation was made

New service attempted.

July 16.

[42] Baillie's Letters, i. 2.

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to ensure the reception of the new ritual; and no information was given to recommend its contents. During the whole week the people were agitated by discourses and pamphlets: and the city was filled with their murmurs and discontent[43]. On Sunday the twenty-third of July, the dean of Edinburgh prepared to officiate in St. Giles's, and the bishop of Argyle in the Grey Friar's church. To encrease the solemnity, each was attended by the judges, prelates, and a part of the council, and from the novelty of the spectacle, by a large and indiscriminate concourse of people. The congregation in St. Giles's continued quiet till the service began, when an old woman, impelled by sudden indignation, started up, and exclaiming aloud against the supposed mass[44], threw the stool on which she had been sitting at the dean's head. A wild uproar commenced that instant. The service was interrupted. The women invaded the desk with execrations and outcries, and the dean disengaged himself from his surplice to escape from their hands. The bishop of Edinburgh ascended the pulpit, and endeavoured in vain to allay the ferment. Sticks and stones were discharged at the pulpit, and, but for the timely interposition of the magistrates, the bishop might have perished at his own altar.

July 23.

[43] Baillie's Letters, i. 5.

[44] "Villain! dost thou say the mass at my lug!" Memoirs of the Church of Scotland, by Defoe, 179. Gordon of Straloch's Hist. MS. Adv. Lib.

When a part of the people had retired, and the rest had been excluded by the magistrates, the doors were secured, and the service resumed. But the multitude without assaulted the doors, broke the windows, and overpowered the service with their furious exclamations of "A pope! A "pope! Antichrist! Stone him!" and the bishop, as he was returning home, was surrounded, and rescued with difficulty from their destructive rage. The service, interrupted in the Grey Friar's by groans, and tears, and loud lamentations, was attempted again in the evening; and, by the care of the magistrates, performed without obstruction. But the tumult had not subsided in the streets. The bishop was conveyed by lord Roxburgh, the privy seal, in his coach from church; and when pursued with stones by the populace, was protected only by the drawn swords of the earl's attendants [45].

BOOK II. 1637. Tumults.

In this first tumult, the offspring of female zeal, and the prelude, or perhaps the cause of more violent commotions, none but the meanest of the populace were concerned; and from the examination of those who were apprehended, there is no reason to suspect that it originated

[45] Large Declaration, 23. Clarend. i. 109. May 31. Guthrie's Mem. 22. The presbyterian historians attempt to palliate, the royalists to aggravate, the tumults. Baillie, however, admits that such "a tumult was never heard of since "the reformation."

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from any secret instigation or preconcerted design. It was exaggerated, however, by the chancellor, and extenuated by the council, offended at his separate dispatches to Charles; by one it was ascribed to the treasurer's absence, and by the other to the imprudent precipitation of the prelates. The magistrates, who were responsible for the peace of the city, strove to mitigate Laud's resentment, of which they were not less afraid than of the king's displeasure. The city was in some measure subjected to an ecclesiastical interdict. The ministers who had rejected the service, were displaced; morning and evening prayers were prohibited, and even public worship was suspended on the Sabbath. Throughout the rest of Scotland, the bishops were not less assiduous in urging the service; and except at St. Andrews, and in the cathedrals of Brechin, Dumblain, and Ross, they were equally unsuccessful[46].

Supplications against the liturgy

To aggravate the popular fury, they proceeded to a more unadvised attempt. The former charge, to purchase or receive the liturgy, was executed by the chancellor against Henderson and other non-conforming clergy, and it was directed by the archbishop of Glasgow against every presbytery within his diocese. In this extremity, the

[46] Burnet's Mem. 31. Large Declaration, i. 28. Baillie, i. 6. Historical Information, MS. p. 6.

clergy were wanting neither to the church nor to themselves. Henderson, an early proselyte from episcopacy, supplicated the council to suspend the charge, as the new service was not yet authorised by an assembly of the church, or confirmed by parliament. Similar petitions, presented by three clergymen from the presbyteries of Irvine, Air, and Glasgow, were recommended by letters from the chief nobility, and the personal application of many private gentlemen. The prelates expected that these applications would be rejected, and an adequate punishment be inflicted on the authors of the late commotion; but their mortification was extreme when the council declared, that instead of the observance, nothing more than the purchase of the liturgy was required by the charge. But affairs had now assumed a more serious aspect. Moved with numerous applications received in private, the council represented to Charles, that when prepared to cooperate with the ecclesiastical lords, they were assailed by the clamours of some, and the fears of others, hitherto reputed the least disaffected; that a general and encreasing aversion from the liturgy could no longer be dissembled; and that the cause of the popular discontent could not be investigated, nor the remedy suggested without his permission. Their disapprobation of the liturgy, which they durst not openly avow, was

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Aug. 20.

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thus obscurely intimated, and the petitions were delayed till an answer was received [47].

1687. transmitted to court.

Such a fair opportunity to recall the liturgy, was presented in vain. The representations of the privy council were disregarded, or suspected by a monarch inflexible in his pursuit of conformity, who even rejected their request, that for his better information, a few of their number should be summoned to court. In a severe and unmerited answer, he reprehended their lenity to the authors of the late commotions; and while he blamed the intermission, he enjoined the immediate observ-

Sept. 20. ance of the ritual. When this injudicious mandate was delivered by the duke of Lennox, the four original supplicants were strengthened by the accession of twenty peers, a large proportion of the gentry, and eighty commissioners from towns and parishes; a body arranged for his reception, and multiplying every where before his eyes. Their numerous petitions were transmitted by Lennox, who was requested to exculpate the privy council from blame, to report the extraordinary scene which he had just witnessed, and to represent the disposition of the nation, and the difficulties that obstructed the performance of the service. As no return was expected till November, the supplicants were industrious in the interval to in-

[47] Burnet's Mem. Guthrie's Mem. 25. Rushw. ii. 394. Balfour's Annals, MS. State Business, MS.

crease their numbers, and to establish a regular correspondence through the whole kingdom [48].

1637. Accusation against the prelates. Oct. 18.

A report prevailed in October, that an answer had arrived; and as the harvest was then finished, a conflux of all ranks resorted to Edinburgh, from almost every county south of the Grampian Hills [49]. Supplications were presented from two hundred parishes, and a favourable answer might still have dissipated every alarm; a prohibition of the liturgy would have satisfied every complaint. But in consequence of previous instructions transmitted from court, two inconsiderate proclamations were issued, enjoining the supplicants to depart from Edinburgh; transferring the seat of government and of justice to Linlithgow; and suspending the consideration of ecclesiastical affairs. The policy of Charles, to divide or dissolve the supplicants by delay, was too obvious to succeed. When their astonishment and rage had subsided, a formal accusation was prepared against the prelates, as the authors of a liturgy wherein the seeds of idolatry and superstition were sown; and of canons whereby the constitution of the church was subverted; as the causes of distractions in religion, and of discontent and discord between the people and the king. The accusation, among

[48] Guthrie's Mem. Baillie, i. 9, 15. Historical Information, MS. p. 15.

[49] Guthrie's Mem. p. 27.

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themselves a bond of union, and to their enemies a signal of hostility, was subscribed by the nobility, the gentry, the clergy, and afterwards by all ranks, and almost by every corporation in the kingdom.

New tumults.

While the accusation was subscribed, the citizens, exasperated at the threatened removal of the government and courts of justice, surrounded the town council, and signified by menaces, not to be misunderstood or resisted, that unless their ministers were replaced, and commissioners appointed to join the supplicants, their magistrates had no chance to escape alive. Their rage was eluded, or attracted by the appearance of Sydserf, bishop of Galloway, reported to wear a concealed crucifix of gold at his breast. When rescued from the hands of the women, whose enquiries and search proceeded to personal violence, the bishop took refuge in the privy council, which was now beset by the enraged multitude. The council applied to the magistrates to disperse the multitude; but the magistrates were themselves surrounded; and the privy council was not released without the interposition of the supplicants, whom it had already ordered to depart from the town. In this last tumult, the actors were no longer the lowest of the populace, whom none knew, and of whom few were detected; but the principal citizens, their wives, sisters, and

dren; and from the contagion of enthusiasm, the nearest kindred of the magistrates themselves[50]. BOOK II.

In November the supplicants again assembled; and, as the report of their meeting had resounded from the pulpits, their strength and numbers were considerably increased. As the late tumults were ascribed to their confluence, they availed themselves of a fair pretext to appoint a few to represent the rest, in order to prosecute their accusation against the prelates, and to await the result of their applications to the king. The council uninstructed by Charles, and apprehensive of fresh commotions, acquiesced inadvertently in the proposal, and a new order was instantly established. A proportion of the nobility was first appointed; and from each county two of the gentry, from each prebytery and borough, one or more of the clergy and burgesses were selected as commissioners for their respective orders. Such was the institution of the celebrated *Tables*, whose members were again divided into subordinate tables, to attend when requisite; and over whose separate deliberations, a general table of four from each of the others was appointed to preside. Their union was consolidated by this institution; order and the authority of their leaders were established, and the promiscuous multitude dismissed to their homes. The policy of Charles was 1637. Nov. 15. Institution of the tables.

[50] Baillie, i. 18. Historical Information, MS. 25. Lord Hardwick's State Papers, ii. 95. Large Declar. 33—9.

BOOK II.

1637. Dec. 7. Their demands increase.

also counteracted, as their combination was not now to be broken by delay [51].

A message was at length received from court; that in consequence of the king's resentment at the *late* outrages, no answer had been given to their *former* supplications; but that nothing was required or about to be tolerated, "unless conduce to the advancement of the true religion *as* "*professed at present* [52]." This declaration, however equivocal, was not unacceptable; as those innovations which the king affected to disclaim, might be imputed with less impropriety to the prelates. But Traquair the treasurer represented to no purpose, that as the service was virtually superseded by this declaration, every requisition of the supplicants was fulfilled. With the increase of their strength, their demands had extended to the recal of the canons as unconstitutional, and to the abrogation of the high commission as illegal; and because the service, although discontinued to-day, might be resumed to-morrow, a formal revocation of the liturgy was required, from the same authority by which it was enjoin-

[51] Baillie, 25. Hist. Inform. 45.

[52] Large Declar. 456. Rush. ii. 408. The evasion is curious. They had no concern with the riots in July, and their petitions were presented before the tumults took place in October. But an answer was delayed, because there was no sign of repentance, nor any disavowal of riots subsequent to their petitions, and with which, unless in dispersing the multitude, they had no concern.

ed. The officers of state requested that each county, to prevent a tumultuous assemblage, would petition separately, and at different times; but the supplicants refused to disunite. Every attempt to detach, or to secure their leaders, was found impracticable; and when every evasion was at length exhausted, and a protestation was prepared against the denial of justice, their petitions, and their accusation against the prelates, whom they declined as judges, were received by the privy council, and transmitted to the king. But the prelates had already withdrawn from the council, and lord Loudon, who preferred the accusation against them, protested that the supplicants, seeking only the preservation of their religion and liberties, demanded no bloodshed or personal revenge, but expected that the mischief done by the prelates should be remedied, and their powers restrained. As yet the petitioners aspired to nothing more; but time, and the opposition which they encountered, extended their views [53].

BOOK II. 1637. Dec. 21.

At the request of the council, the earl of Traquair was summoned to court for the king's information. As he was suspected even then of connivance with the supplicants, and was accused by the prelates of contributing to their fall, historians have not scrupled to ascribe the introduc- 1638.

[53] Rush. ii. 406. Baillie, i. 28. Hist. Inform. MS. 71.

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tion of the liturgy to his delusive promises, and the opposition which it encountered to his secret instigation. From a feeling of past offences he was hostile to the bishops, and from a sense of its impolicy disinclined to the service; but his intercourse with the supplicants was apparently the result of a disinterested solicitude for the public welfare [54]. His fault was an error common almost to all statesmen; he was tenacious of power, and unwilling to lose it by a refusal to execute those measures of which he disapproved. His representations were unfortunately counteracted by the chancellor, whose son, the president, was then at court. His representations of the temper and strength of the supplicants, of the disaffected and distracted situation of the country, were suspected from his noted animosity to the prelates; and his advice, for the revocation of the liturgy, was unhappily disregarded. It was difficult for Charles to abandon, on the eve of its completion, the object of his own and of his father's reign. If he persisted in his favourite scheme of an entire conformity, the danger might be great and immi-

Motives of Charles.

[54] The Historical Information was prepared by lord Rothes and Warriston, at the desire of the tables. A copy in the Advocates' Library, with notes by Rothes, for his private use, contains a full detail of his interview with Traquair. The latter complains repeatedly of the obloquy with which he was aspersed by the prelates; but there is no indication of any secret connivance with the supplicants, or encouragement to their designs.

nent; but the consequences were not distinctly foreseen; if the liturgy, on the contrary, were revoked, and the canons and high commission abolished, the supplicants, while insecure, might still remain dissatisfied, and the puritans in England would be encouraged by their success. Where his right to dictate to the conscience appeared indisputable, it was difficult to mistrust the efficacy of his regal power. Moved, as it is said, by the historical and domestic example of the conspirators against Rizio being dispersed by Mary, when denounced as traitors; and certainly instigated by the furious counsels and the bigotry of Laud, he transmitted by Traquair, with injunctions or an oath of secrecy, a proclamation, announcing his approbation of the common prayer book; declaring that the petitions, as derogatory to the supreme authority, justly merited the severest censure, and prohibiting the supplicants to assemble again under the penalties of treason [55].

Proclamation against the supplicants;

His design that the proclamation should not transpire till its publication, was already disappointed, and Traquair's instructions were divulged to the tables, by intelligence secretly communicated from court. An alarm was instantly propagated through the whole body of supplicants, who perceived that either their grievances must be perpetuated by submission, or the means of re-

who protest against its authority.

[55] Baillie, i. 30, 4. Burnet's Mem. 33. Hardw. State Papers, ii. 101.

BOOK II. 1638.

dress be preserved by their opposition to the edict. The crisis was inevitable. They were summoned for the protection of their leaders, from all parts of the country to Stirling, whither the council and the courts of justice were removed; and Traquair had no expedient to prevent their meeting, but that of accelerating the proclamation in which it was prohibited. But his departure at midnight being discovered, the lords Hume and Lindsay were dispatched to Stirling; and when the proclamation was announced by heralds, a protest against its authority was made by these peers, and, with due solemnity, published and affixed to the market-cross. The jurisdiction of the prelates, and of the councils at which they should assist, till acquitted of their crimes, illegal rites, proclamations, and canons, were equally disclaimed by this bold defiance; which demanded immediate recourse to the sovereign, and professed that the supplicants had no object but the preservation of their liberties, religion, and laws. At Linlithgow, at Edinburgh in the presence of seventeen peers, and wherever else the proclamation was made, the protestation was renewed as a legal solemnity, sufficient in an age tenacious of legal forms, to counteract the proclamation, or to suspend its effects [56].

Feb. 19.

Motives of their leaders.

Historians, who form no computation of the progress of enthusiasm, assure us, that the most

[56] Baillie, i. 30, 4. Large Declar. 48. Hist. Infor.

inconsiderable force, a troop of horse and a regiment of foot, would have sufficed, at this period, to repress these disorders, and to establish that despotism, to which Charles aspired [57]. The military may participate, however, in the spirit of the times, and the presence of a military force would have only rendered the supplicants more circumspect and assiduous to conciliate its support. But the council had no force to assert its authority, which was superseded, or rather transferred entire to the tables, whose orders received a prompt and implicit obedience. No preparations had been made by Charles, as unaccountably no opposition had been expected to a change subversive at once of the constitution and of the church. He could not be ignorant that the canons were unconstitutional, and the arbitrary introduction of the liturgy, illegal [58]; but his imprudence had already presented leaders to a discontented people; Balmerino, Rothes, Loudon, and Montrose, whom he had respectively alienated by persecution, by insolence, by disappointment, and by neglect [59]. Of

[57] Burnet's Hist. vol. i. 33.

[58] Hamilton, in a letter to Charles, intimates plainly that these were illegal. Hardw. ii. 114.

[59] After the parliament in 1633, Charles, in his progress to Falkland, shunned the road where the gentlemen of Fife had been collected by the earl of Rothes for his reception. On the same occasion he refused permission to a magistrate, because he was a presbyterian, to kiss his hand. Crawford's Hist. MS. Rushworth, ii. 183. The title of earl had been promised to

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these the most distinguished at present was the earl of Rothes; of popular talents and persuasive eloquence, fertile in expedients, but of a disposition prone to levity and addicted to pleasure. The earls of Cassilis and Hume, the lords Cranston, Lindsay, Yester, and others, to the number of thirty peers, were engaged in the same combination; and as their object was still indeterminate, their resolution to profit by every occurrence rendered their confederacy proportionally formidable [60]. As the first cause of their discontent was the revocation of church-lands, it appears that in the prosecution of religious liberty, they sought their own preservation from an arbitrary power. That their zeal was counterfeit, can hardly be suspected; that they were actuated by a blind abhorrence of a superstitious ritual cannot well be believed. Religious and civil liberty were then united; and when the former was invaded, the nobility and gentry, although indifferent to neither, attached themselves to the cause the operation of which was the most powerful, and in which the people were the most inclined to concur.

Origin of the covenant.

The measures which the tables adopted to unite the people, were bold and judicious; the result

Louden, but the patent was recalled on account of his vote in the parliament 1633. Crawford's Lives of Officers of State. On returning from his travels, Montrose was disgusted at the cold and forbidding reception which he experienced at court. Heylin's Life of Laud, p. 273.

[60] Baillie, i. 21.

perhaps of the peculiar exigencies to which they were reduced. The late proclamation evinced the insincerity of the former equivocal declaration of Charles, and by prohibiting their petitions under the pains of treason, might remind them of the unjust attainder of Balmerino, and of the persecution to which they were destined themselves, when their combination should be dissolved. The officers of state were not less assiduous to divide the supplicants, than the prelates to amuse them by delusive promises that they would intercede with Charles, to withdraw the liturgy and canons from the church, and to new model the high commission [61]. To disconcert those various intrigues, and to cement their own union by a solemn engagement, they projected the memorable renewal of their national covenant, the origin of which may be traced to the beginning of the reformation, when the lords of the congregation, by their bond or covenant, first undertook the protection of the infant church. It was twice renewed in the progress, but neglected after the establishment of the reformation. During the administration of Arran, a negative confession of faith, enumerating and renouncing the corruptions of the Romish see, was framed to obviate the imputations of popery, and subscribed by the sovereign, his household, and his subjects at large. When revived on the approach of the Spanish Armada,

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[61] Baillie, 44. Hist. Infor. MS. 137.

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it was confirmed by a bond for the preservation of religion, for the protection of the royal person, and for the general defence. The name was adopted from the frequent covenants of Israel with God; and the nature of the obligation was derived from the bonds of mutual defence and maintenance peculiar to the nation; but the idea itself is familiar in every divided state, wherever associations are formed for the support of a common cause. The covenant was remembered and revered by the people, as an obligation to which their ancestors had repeatedly sworn; instituted during the purity, and renewed in the troubles, or on the triumph of the presbyterian faith[62].

Its nature.

An engagement once popular and still venerated, in which the whole nation might again concur, was announced with precaution, and adapted with suitable deliberation to the times. The supplicants were invited, or exhorted, to repair from the country to a solemn meeting proclaimed by the tables. A preparatory fast was appointed, and the preachers, in secret concert with the tables, recommended an immediate recourse to the national covenant. This memorable deed, of which it would be improper to forget the authors, was prepared by Alexander Henderson, the leader of the clergy, and Archibald Johnston, afterwards of Wariston, an advocate, in whom the supplicants chiefly confided. It was revised by Balmerino,

[62] Knox. Robertson's Hist. of Scotland.

Loudon, and Rothes. The negative confession of faith was preserved entire. It contained a general profession of the reformed faith, and a minute abjuration of the rites, doctrines, and the whole discipline of the Romish church; its bastard sacraments, its diabolical mass, and the necessity of baptism or or the eucharist to salvation; its invocation or worship of angels and saints; the dedication of churches, days, and altars; its consecrated water and prayers for the dead; the cross, auricular confession, and blasphemous litany; its temporal monarchy, wicked hierarchy, and impious priesthood. A variety of statutes were next enumerated, to vindicate the renewal of this intolerant confession. A bond of union was subjoined, containing a declaration that the liturgy and canons, as if expressly prohibited, were virtually renounced in the confession of faith; and concluding with an obligation to resist those innovations, to defend each other, and to support the sovereign in the preservation of religion, liberty, and law. In this bond the only difficulty occurred. If the canons and liturgy were virtually prohibited, the articles of Perth and the hierarchy were equally condemned by the confession of faith; but some of the clergy were restrained by an arbitrary oath of conformity which the prelates had exacted; others, to whom the corruptions of the church were offensive, had been reconciled by the lapse of thirty years to its episcopal form; and, among

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the nobility themselves, there were some who had imbibed the doctrine of passive obedience during the late reign. Their scruples were obviated by concessions or casuistical distinctions. The use and practice of former innovations, and the approbation of corruptions already established, were forborne, not abjured, till examined and determined by a free assembly; the defence of religion was qualified by the conditional support of the sovereign; and in this comprehensive form, the covenant received the approbation of the tables [63].

March 1. National covenant sworn,

When the supplicants had assembled in the Grey-Friar's church, the covenant was renewed with solemn exhortation and prayer. It was subscribed and sworn, with uplifted hands, by the nobility, the gentry, the clergy, and burgesses; by thousands of all denominations, of either sex, and of every age. Copies were immediately transmitted, and commissioners dispatched to the dif-

[63] Baillie, i. 85. 45. Historical Information, MS. 140. Charles complained that in the obligation of mutual defence, there was no reservation of the royal authority. 'In the original covenant there was none. In the new covenant, the obligation was qualified by the defence of his person, in the preservation of religion, liberty, and law. His father would have temporized, but a distinguished trait in his character was a punctilious and intractable pride. He could not require their support in opposition to religion, liberty, and law, yet he could not acquiesce till the fury with which the covenant was subscribed should abate.

ferent counties in the west and north; and in a few days, the covenant resounded like an alarm through Scotland. The people were roused and agitated by a zeal unfelt since the first reformation. All ranks were attracted to subscribe; and in every parish, the covenant was embraced on Sunday with shouts of the most enthusiastic joy, or with tears and prayers of contrition for their past defection. The fierce clans of the north suspended their feuds, and within two months, almost all Scotland submitted to the covenant. Aberdeen alone was withheld from subscribing, by the influence of the university and the power of Huntley. Great was the joy, inexpressible the comfort diffused on the imagination, or the heart, by this second reformation, which was ascribed in its origin and success to the divine presence, and compared in its progress to Elisha's cloud, from the breadth of an hand overspreading the firmament; and which was certainly productive of a change, if not a real reformation of manners; —of a more austere devotion, an abstemious simplicity in apparel and diet, and a gloomy circumspection in social life[64].

and universally received.

The advantages acquired by the tables surpassed expectation. Their adherents were encouraged, and their adversaries disheartened by the disco-

[64] Baillie, 167. 70. Livingston's Life, MS. Answers to the Professors of Aberdeen against the Covenant.

BOOK II. 1638.

very of their strength, and of the ardent enthusiasm with which the covenant was received. The nation was divided into two parties; the COVENANTERS, a name originally imposed by their adversaries, and the NON-COVENANTERS; but the latter was comparatively a feeble party, composed of the papists, the officers of state, their dependents and friends, and a few attached to the English service, or apprehensive that the league was not strictly legal [65].

A confederacy established without authority, the demands of which might be daily multiplied, was variously canvassed. It was arraigned as an usurpation of power, directed, like the catholic league, against the sovereign himself; or justified by the example of their ancestors, as an usage never entirely intermitted; which, as it was instituted for the preservation of peace and religion, was absolutely necessary, and therefore legal [66]. Had the covenant never been established, the liturgy and canons, abhorred by the religious as oppressive, and by the most moderate as illegal, would either have been perpetuated, or if withdrawn, would have been resumed at a more favourable conjuncture. The abhorrence which

[65] Historia Motuum. Notwithstanding the outcry against Papists, they were absurdly estimated not to exceed six hundred.

[66] The original covenant was not disused in the university of Edinburgh till 1635. Crawf. MS.

they excited was certainly disproportionate to their extreme futility; yet at a time when religion was dear to men, a combination against unlawful innovations otherwise inevitable, could with no propriety, especially by the authors of those innovations, be accused as illegal. The engagement of the covenanters might operate against their sovereign; but their sovereign was himself engaged in illegal measures, subversive of their religious and constitutional rights. Their designs might afterwards prove more extensive, but their original professions were not therefore insincere. They still persisted in their original demands, or in others not less reasonable or necessary; and required the admission of ministers without arbitrary oaths, and the discretionary observance of the articles of Perth, till a free parliament and assembly should be convened, to examine and efface the corruptions of the church. But their applications were rejected by the court; their petitions were contumeliously returned unopened; and, how destitute soever of a force to oppose the king, neglected by timely concessions to dissolve their league. Tenacious of his former resolutions, and therefore dilatory, he protracted in vain deliberations, the time employed by the tables to confirm their authority, and to propagate the covenant in the remotest corners of the west and north [67].

[67] Hist. Infor. 157. 282. Hailes' Mem. ii. 38. Burnet's Mem. 39. 42.

BOOK II.

1638. Hamilton appointed commissioner.

Nine months had elapsed since the first supplication, and three from the date of the covenant, when the marquis of Hamilton, a man ostensibly connected with neither party, whose father had established the articles of Perth in parliament, was appointed commissioner to represent the king. His entrance into the capital was obstructed at first by a general alarm, that arms and ammunition had been imported from London, and conveyed by night to his residence at Dalkeith; but when the destination of the arms was discovered, the covenanters surrounded the castle of Edinburgh with a strong guard, that no repairs or supplies should be provided for their destruction. On surmounting this obstacle, he was honourably received, but in a manner artfully concerted to display their strength. Twenty thousand persons, whom a solemn fast had attracted, were arranged for his reception on foot and horseback from Leith to Musselburgh; and among these, the most conspicuous, on an eminence, were six hundred clergymen in their black cloaks [68]. The multitude were afterwards dismissed at his request: but in the progress of the negociation it was soon discovered that the object of his instructions was rather to obtain than to grant concessions. The surrender of the covenant was required as a preliminary; and, in return, the king promised to regulate the high commission by the assistance of his council, so that it should no longer be found

[68] Hist. Infor. 54. Baillie, i. 57. 61. Hist. Infor. 240, 55.

oppressive; and to desist from urging the liturgy and canons, unless in a manner fair and legal, and satisfactory to his subjects. Concessions so nugatory, after such long delays, were considered, with some reason, as a mockery of their demands. They professed their fixed resolution, sooner to abandon their baptism than their covenant, which they explained, and invited the commissioner himself to subscribe, as not intended to derogate from the authority of the king. That the covenant was derogatory to his prerogative, can admit of no dispute; but that the concessions would prove satisfactory, was never seriously expected by Charles. In these concessions, his ideal dignity was preferred to the public tranquillity, and alone consulted. Instead of acceding to the demands, in order to obliterate the discontent of his subjects, the exclusive object of his instructions to Hamilton was to dissolve the covenant, and by a deceitful negociation to amuse its adherents, till a force was prepared to suppress and to punish their designs [69]. His concessions were specified in a declaration transmitted by the commissioner, and now proclaimed. The surrender of the covenant, under the pains of treason, was omitted by the commissioner; but the proclamation which was still offensive, was encountered by another protest from the tables; that their grievances were not yet alleviated, but on the contrary, that their proceedings

[69] See Note III.

BOOK II. 1638.

were unjustly stigmatized as seditious. An independent assembly, and a free parliament, were the universal outcry; and in order to procure additional instructions or a further delay, the commissioner repaired in person to court, after he had stipulated that no alteration should take place till his return; and received an intimation from the tables, that an assembly, if refused by the king, would then be held by virtue of the authority inherent in the church [70].

Negociations.

His representations of the strength and fury of the covenanters, and the slow progress of military arrangements, far from producing immediate, or adequate concessions, confirmed Charles in his resolution still to temporise, until the forces secretly meditated were silently prepared. His instructions were therefore more ample than the former, but not more satisfactory. His commissioner was permitted to summon an assembly under certain conditions inconsistent with its freedom; that the moderators of presbyteries, whom the tables had removed, should be replaced and received as constituent members; or if this were inadmissible, that the members should be chosen by the clergy alone [71]. These conditions would have rendered the assembly subservient to the crown: but the resolution of the tables to indict a free assembly, was prevented by another expedition to court.

[70] Hist. Infor. 61. Baillie, 64. 70.

[71] Hist. Infor. 61. Large Declaration, 116. 123.

On the return of the commissioner, their original demands were unexpectedly conceded: the canons, the liturgy, and the high commission, were unconditionally recalled; the articles of Perth were suspended; an assembly and a parliament were successively appointed, in which the prelates might be legally prosecuted, and their usurpations restrained[72]. At an earlier period such explicit conditions might have proved satisfactory; but the covenanters now aspired to restore the presbyterian, and to overturn the episcopal form of government, without the destruction of which every concession was deemed insecure. They were instructed by the history of the former reign, that however circumscribed or reduced at present, the hierarchy might again revive, and its noxious branches again overspread and obscure the church. The delays of a whole year, and the duplicity of Charles in the most partial, had, in the most ample concessions, inspired an incurable mistrust of his sincerity; and their suspicions were aggravated and confirmed by an unseasonable stratagem to dissolve their league.

King's covenant.

The negative confession of faith, and the bond subscribed by his father, were united with his concessions, and renewed ostensibly as an attestation of his faith. But they were enjoined with the more insidious design of supplanting the covenant; or, by the original oath to maintain *religion*

[72] Id. 137. Burnet's Mem. p. 73. See Note IV.

BOOK II. 1638.

as at present professed[73], of superseding the obligation to resist innovations introduced since its first institution. The confession, though adopted by Charles, at the suggestion of Hamilton, was subscribed by neither without violence to their conscience. It was received by the council in its primitive acceptation, as originally framed; with an explanation to support religion as *then professed*[74]. But the covenanters descried the intended snare, and rejected with abhorrence the king's covenant as a dereliction of the engagement to which they had sworn, while the acclamations were yet recent in the ear, and before the tears with which it was solemnized were dried from the cheek. From a strange fatality that attended Charles, his most ample concessions were still intermixed with some latent deceit.

[73] By this ambiguous expression employed in the first declaration, Charles tacitly understood the episcopal, but left it to his subjects to suppose the presbyterian religion. From Baillie it appears, that the only subject of apprehension at present was the king's covenant. It was viewed as a source of division; and the alacrity with which it was urged, reflected suspicion on the whole concessions. Baillie, 179. 81.

[74] It was subscribed with three different explanations; by the privy council in its original sense; that is, exclusive of prelacy; by the professors of Aberdeen, with a reservation of episcopacy; and by Hamilton, with an additional reservation of the real presence in the eucharist. I know not with what secret reservations Charles subscribed a confession so repugnant to the doctrines of Arminius, and to the rites introduced by Laud into the English church.

BOOK II.

1638. Assembly at Glasgow

The assembly promised by Charles was held at Glasgow, where the family influence of the commissioner was powerful, in preference to Aberdeen, where the covenanters were weak. From the disuse of assemblies, their original constitution was almost forgotten; and the restoration of the lay-elders displaced by James, appeared at first to be a dangerous innovation. But the tables distrusted the moderation of the clergy, less inured perhaps to the dominion of the crosier; and the yoke of the prelates was not to be broken, that the domineering arrogance of presbyteries might again revive. From each parish an elder was directed to attend the presbytery; and when the clergy were thus controlled, and from the removal of the candidates, outnumbered by the laity, the most orthodox were selected as commissioners, and the chief covenanters as elders of the assembly[75]. From a large accession of the nobility and gentry, its authority far exceeded whatever ecclesiastics alone could arrogate; and to increase its influence, four assessors were assumed by each elder, to consult in private, or in public deliberations to interpose their advice. In a few presbyteries lay-elders were admitted with reluctance;

[75] Large Declar. 262. The prelates confess, for the covenanters had proved indisputably, that lay-elders were originally constituent members of presbyteries. That they had no share in the election of the clergy for the assembly, may be regarded as a gratuitous assertion. Id. 252.

BOOK. II. 1638.

and their introduction furnished the prelates with a grateful pretext to decline the jurisdiction of an assembly no longer subservient to themselves or to the crown. An accusation had been preferred from different presbyteries, charging them, as individuals, with heresy, simony, falsehood, habitual swearing, drunkenness, deceit, adultery, gaming, and the profanation of the sabbath; and, as a collective body, with transgressing the limitations imposed on their order, and with usurping the title and deportment of ecclesiastical lords. Whatsoever were the vices with which they were personally aspersed, or to which they were collectively obnoxious as churchmen, were accumulated on their heads; but the means employed to defeat this accusation were neither judicious, nor, on the part of Charles, unexceptionably sincere. As if his promise were absolved by a permission merely to assemble, his commissioner was instructed to infuse into the clergy, with the most artful industry, a jealousy of the overbearing influence and numbers of the laity, to inspire the laity with a similar distrust of the clergy, and to dissolve the assembly on affected nullities, by fomenting mutual divisions and disputes [75]. Notwithstanding

[75] Burnet's Mem. 74. "As for this general assembly, though I can expect no good from it, yet I hope you may hinder much of the ill, first by putting divisions amongst them, concerning the legality of their elections, then by protesting against their tumultuary proceedings." Id. 82. "As for the opinion of the clergy (the prelates) to prorogue this assembly, I utterly dislike them; for I should more hurt my

his late declaration, that the prelates were amenable to the assembly, and might be legally prosecuted, their *declinature* or protestation against its authority, was revised by himself, as a pretext for its dissolution, and presented by Hamilton before the election of a moderator or clerk[76]. But the assembly refused to hear or receive it till regularly constituted; and, when Henderson had been chosen moderator, and Johnston the clerk, proceeded, during the first week, to examine deliberately the commissions of its members. When, at last, the declinature was suffered to be read, it produced a question on the power of the assembly to sit in judgment on the bishops, which, by prudent management, the commissioner might have delayed, and which he should have studied to avert. If, instead of insisting on the declinature, and protesting against the most indifferent proceedings, he had endeavoured to sooth the assembly by acquiescence or entreaties, the fate of the prelates might have been less severe. If a free

reputation by not keeping it, than their mad acts can prejudice my service. Therefore, I command you, hold your day; but, as you write, if you can break them, by proving nullities in their procedure, nothing better." Id. 88. In another letter, he informs Hamilton, that his first instructions warranted the dissolution of the assembly, which they empowered him to hold. Id. 107.

[76] The object was to oppose a nullity to its future proceedings; and, if these were violent, to dissolve the assembly, on the pretext that it could not judge of its own legality. Id. 96, 100.

BOOK II 1638.

enquiry had been first indulged, the condemnation of the liturgy and canons, of the articles of Perth, and the errors of Arminius, might have gratified the importance of the clergy, and assuaged their resentment. But the question was industriously solicited, as a fair pretext to interrupt the deliberations of the assembly, which the commissioner, when the vote was demanded, dissolved, as a convention irregularly chosen by laymen, and incompetent, therefore, to the trial of prelates. Already the king had improvidently sacrificed the authority of government, and the tranquillity of the nation, to a courtly ritual; and, from his attachment to its authors, he was now content to endanger his crown.

dissolved by Hamilton,

but refuses to disperse.

An assembly ready to convene without authority, was not disposed to separate without some conclusion. Encouraged by mutual exhortations, and vindicated from contumacy by some early precedents of the independence of the ecclesiastical on the civil establishment, the members refused obedience to this abrupt dissolution. Their resolution not to disperse was confirmed by the approbation of no inconsiderable part of the privy council, and the open accession of the earl of Argyle, then the most powerful among the nobility, and soon distinguished as a leader of their party, whose character has been variously described; by some, as equally supple and inflexible, cautious and determined; and, by others, as possessed of a clear and vigorous understanding, and in his con-

duct exemplary and sincere. His unexpected defection from the court was ascribed to his rivalship with Hamilton, or resentment at the preference of Spottiswood to the office of chancellor; but the correspondence of Strafford has revealed a more secret and satisfactory cause. An invasion from Ireland was already concerted with the earl of Antrim; Kintire, to which the Macdonalds had some claim, was stipulated as his reward; and Argyle, who discovered when in England that his estates were to be partitioned, had no resource but to embrace the covenant for his own preservation[76]. Upon the plea of irregularities already explained in our history, the members proceeded, under his auspices, to annul the six preceding assemblies as corrupt, from the first convention at Linlithgow to the last at Perth. The clergy were thus relaxed from the oaths of conformity exacted at their admission; presbyteries were restored to their original rights; the articles of Perth, and whatever else those assemblies had enacted, were virtually rescinded; but a formal abrogation was still demanded, and the articles from which every division had arisen were repealed, as abjured in the original covenant. The canons and forms of consecration, the liturgy and high commission, were condemned. Episcopacy was abolished, and, in opposition to the interpretation bestowed on the king's covenant, it was represented as previ-

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Abrogates prelacy.

[76] Strafford's Letters, ii. 325.

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ously abjured by the confession of faith. The oppressive policy of two reigns was now subverted; and the baseless fabric of a divine hierarchy was at once dissolved. But the orders of the hierarchy escaped not the storm; and of the fourteen bishops whom the assembly degraded, eight were excommunicated, as contumacious or impenitent, four were deposed, and the remaining two, on their timely submission, were suspended merely from their ecclesiastical functions. The crimes generally imputed to them were Arminianism, superstitious or illegal innovations, and the usurpation or tyrannical abuse of power; but their lives were confessedly irregular[77]; their poverty was often relieved by simony: their contempt of puritanism had produced an utter disregard of decency, and their prosperous ambition a relaxation of morals. When the work of reformation was at length accomplished, the assembly, on the thirtieth day after its commencement, rose in triumph[78].

Death and character of Spottiswood.

The excommunicated prelates retired to England, where Spottiswood, the immediate author of every disaster, resigned the seals for a pecuniary consideration, and expired next year. In prosperity his behaviour was without moderation, in adversity without dignity; but the character of a leading, aspiring prelate has either been unduly extolled, or unjustly degraded. As a scholar and an

[77] Hardwick's State Papers, ii. 114.

[78] Acts of Assembly, 1638. Large Declaration, 209, 864.

historian he excelled his contemporaries; and it was his peculiar felicity, that his erudition was neither infected with the pedantry, nor confined to the polemical disputes, of the age. His abilities recommended him first to preferment; but his ambitious views were chiefly promoted by the supple, insinuating habits of craft and intrigue. His revenge was formidable to the nobility and officers of state, oppressive to the clergy, and, joined with an inordinate ambition, ultimately ruinous to his own order. At an happier period, when no temptation was presented to his inordinate ambition, the same talents might have rendered him a distinguished ornament to that church, which his disregard of the gloomy decorum exacted by fanatics, was supposed to disgrace. BOOK II. 1638.

From the first supplications, so contumeliously rejected, to the last imperious decrees of the assembly, the progress of discontent has been minutely traced, through a train of negociations which are wholly misunderstood, or imperfectly described, by historians; but without which it is impossible that the motives or the provocations of either party can be duly estimated. Whether the last concessions were sincere, or should have been received as satisfactory, is a question that has been vainly agitated; for the early complaints of a people ought never to be despised, nor the first symptoms of discontent to be exasperated. Tranquillity was yet attainable, for the professions of

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the covenanters were loyal and respectful; and the preservation of an idle and insolent priesthood, whose sentence, if severe, might be rejudged in parliament, could neither deserve nor justify an internal war. The surrender of the covenant there was no reason to expect; but as yet the covenant had no operation except in religion, and might have been silently obliterated by a profound indifference to religious disputes. But it appears that the rupture with the assembly was anxiously solicited and embraced by Charles, in order that its proceedings might justify his recourse to arms.

King's preparations for war. 1639.

His preparations were far advanced: arms and a formidable train of artillery were provided, and his levies were accelerated through each county of England. Considerable loans were procured from the nobility, and the papists were instigated by the queen, and the clergy by Laud, to contribute largely to this *episcopal* war. The nobility, according to an ancient practice, were summoned to attend their sovereign at York, upon the supposition that an invasion was intended by the Scots. A negociation was opened with the regency of the Spanish Netherlands, for six thousand veteran soldiers, to be exchanged for Irish recruits, and transported to Leith; but the treaty was interrupted by disasters which the Spanish arms successively incurred. It was the intention of Charles to invade the devoted country from Ireland on the west, and on the east and north, with his navy, and with troops from England to co-operate

with Huntley; nor did he apprehend that the covenanters thus beset, would resist the approach of his arms from the south [79].

Preparations of the Scots

But the Scots were neither to be deceived by negociations, nor dismayed at an armament. At whatsoever period the idea of resistance was first entertained, the delays and evasions practised by the king, were sufficient to convince them that every concession extorted from his necessities must be maintained by force. Ever since the arrival of his commissioner, and the first report of his military preparations, their merchants had been employed on the continent, in the purchase and clandestine importation of ammunition and arms. The covenant was received by their countrymen abroad, in the Swedish service; and Alexander Lesly, a distinguished officer, was invited by Rothes to return as their future commander to Scotland. Their pecuniary resources, to the extent at least of an hundred thousand crowns, were derived from Richlieu, who employed his almoner Chambers to reside as a secret emissary in Scotland; and who had been stimulated to revenge by the refusal of Charles to connive at the partition of the Spanish Netherlands. By means of the Scottish pedlars, their declarations were dispersed, and a correspondence established with the puritans in England, who surveyed their progress

[79] Rushw. ii. 790. 818. Clarendon. State Papers, ii. 23. Burnet's Mem. 59. 113.

BOOK II. 1689.

with an expectation to find in Scotland the asylum from which they were debarred in America. Their pacific declarations, in which they disclaimed the imputation of invading England, were prohibited in vain; but when they were denounced at last, as traitors actually engaged in rebellion, the magnitude of their danger, and the necessity of immediate and vigorous preparations, were revealed to their view [80].

for a defensive war.

The difficulties to be surmounted were truly great. It was necessary not only to convince the nation that resistance was just, but to rekindle the military ardour of a people unaccustomed to the use of arms; and to cope at once with internal enemies, and with their sovereign supported by the strength of England. Foreign aid was judiciously rejected as oppressive to themselves, and as an object of jealous apprehension to the English. The original doctrines of the church, the duties of magistrates, and the rights of subjects, were carefully inculcated. The pulpits resounded with the lawfulness of defensive arms; and the curse of Meros was pronounced on those *who came not to the help of the Lord against the mighty*. The most moderate men, though in their youth impressed with the doctrines of passive obedience, were reconciled, by the apparent necessity, to the right of resistance. They distinguished between a king

[80] D'Estrade, vol. i. p. 8. Rushw. ii. 840. Whitlock, 23. 81—3. Hailes' Mem. ii. 41. Vittorio Siri, Memorie Recondite, vol. viii. p. 799. Mercurio, vol. i. 199.

whose power was confined to Scotland, who must have yielded to the demands of the nation, or the advice of parliament, and a monarch whose opposition sprang from a foreign support, and against whom, as his approach was in effect an invasion from a foreign power, resistance was properly a national defence. The most experienced officers, trained to arms by Gustavus, and employed by Banier, were recalled by Lesly to the defence of their country. Additional supplies of ammunition, arms, and artillery were provided. A committee for military affairs was established at Edinburgh. Subordinate committees, and commanders who had served abroad were distributed through each county, and the people were trained in rotation, to the use of arms. Two thousand foot were embodied under Monro, as a seminary for soldiers, to overawe the borders; and nine hundred men were raised by Argyle, to oppose the Macdonalds of the isles, and the arrival of Antrim, their chief, from Ireland [82].

National fortresses surprised by the Scots.

Each party, as usually happens in civil wars, was desirous that the other should commence hostilities; but when the king's forces assembled at York, when Huntley began to arm in the north, and the marquis of Douglas in the south of Scotland, a general attack was concerted, to reduce every fortified place by surprise. Lesly, with a thousand select musketeers, appeared unexpectedly

[82] Bailie, i. 151—7.

BOOK. II. 1639.

before the castle of Edinburgh; and, after a short parley, a petard was applied to the outer gate; the inner was scaled; and the castle was taken by assault, without the loss of a man. On the same day Dumbarton castle, the second strength in the kingdom, was surprised; Dalkeith was surrendered by Traquair, together with a store of ammunition and arms; and Carlaverock, which the vicinity of Carlisle protected, was the only fortress that remained unreduced. To restrain the hostilities of the marquis of Huntley, seven thousand men were collected from the counties adjacent to the Tay, by Montrose and Lesly, who imposed the covenant upon Aberdeen, and conducted the marquis himself as an hostage to Edinburgh.

English fleet in the Forth.

The fortification of Leith was a national work, undertaken with such enthusiasm, that volunteers of all ranks, the nobility as well as the gentry, were employed on the bastions, and ladies of the first distinction assisted in transporting materials. The fortifications advanced with rapidity, and when the marquis of Hamilton arrived with a fleet from England, the port which he intended to seize was secured from assault, and the capital was protected against an attack from sea. But his force consisted only of three regiments, impressed in haste, and embarked without discipline, in such a sickly condition, that, after a vain requisition for the surrender of Leith, it was necessary to land them in the uninhabited islands interspersed

through the Forth. Imputations of treachery are the common resort of an unsuccessful party. The inactivity of Hamilton was ascribed to a secret correspondence with the enemy, whom he encouraged, it is said, in rebellion, from the supposed design of his expedition to Germany, to promote his own succession to the crown. A descent, however, was impracticable in the Frith, for the towns were protected by batteries, and the coasts were defended by twenty thousand men; but, if his fleet had sailed northward, to co-operate with the Gordons, who were again in arms, a powerful diversion might have been effected for the king. Whether deficient in military talents, or jealous of Huntley, or, what is more probable, reluctantly embarked in a civil contest against his countrymen, he affected to negociate till the English army approached the frontiers [83].

King's army advances to Berwick.

That army, to the number of twenty-three thousand horse and foot, had advanced from York to Berwick, from the magnificent attendance of the nobility on their sovereign, more in the style of a military triumph than an ordinary march. Lesly had arrived at Dunglas, and Monro at Kelso; but a mild proclamation not to approach within ten miles of the royal camp was obeyed by the Scots, as a proof that no hostile designs were entertained against England. The king, elated, and easily

[83] Baillie, i. 160. Guthry's Mem. 51—5. Spalding, i. 127. Burnet's Mem. 124. 82. Balfour's Annals, MS.

BOOK II. 1639. persuaded that the Scots were intimidated, issued a hasty proclamation, requiring them to submit within ten days; or, if they continued in arms, affixing a price on their leaders' heads, and, by a vain policy, conferring their rents on the tenants, and their estates on the vassals who should revolt from their service, or on their feudal superiors who adhered to the crown. It was published without opposition at Dunse; but at Kelso, the earl of Holland was opposed by Monro; and it soon appeared, that, if the martial spirit had been extinguished in England by a long peace, it was rekindled in Scotland by religious zeal. Although superior in cavalry, the English were struck with a panic terror, and their disorderly retreat was converted, almost without a single blow, into an ignominious flight. The Scots encamped on Dunselaw, within sight of the English; a strong and intermediate position between the roads that led to their capital from Coldstream and Berwick. Their army was rapidly augmented from twelve to twenty-four thousand men, and, as every fourth man was prepared or appointed to march, their numbers might have been increased to an indefinite amount.

and the Scots to the borders.

At the sight of their hills, after a long interval, again covered with a national army, a lively and universal sensation of joy was diffused. Servility was contrasted with freedom; an obscure and abject subjection was compared with national independence; and the horrors of a civil war

were forgotten in the midst of an unbloody campaign. Their camp was a spectacle not less interesting to the military, than edifying to the devout. Their colours were inscribed with the crown and covenant of Christ; the soldiers were summoned by drums to sermon, and their tents resounded, at dawn and sunset, with psalms and prayers. But the clergy were instrumental in preserving discipline; and the dangerous emulation of the nobility was repressed by the discretion of Lesly, their general; an unlettered soldier of fortune, of an advanced age, of a diminutive size, and a distorted person, but prudent, vigilant, enterprising, and expert in war. His resolution was either to fight or to treat with advantage, for his situation admitted not of long delay. Destitute of resources to maintain a long campaign, the Scots imputed the inactivity of Charles to a refined policy, that, while their trade was intercepted at sea, and when surrounded and assailed on the west and north, they might submit at discretion; but they knew not that the Irish invasion had failed, and that the troops were detained to restrain the natives, or the Scots whom James had transplanted to Ulster. No obscure intimation was therefore given of their design to approach the English, entrenched on the opposite side of the Tweed. But their pacific overtures were never intermitted. Their petitions were renewed, on an invitation conveyed to them through one

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of the king's pages, and, when some punctilious preliminaries were adjusted, commissioners were mutually appointed to negociate[84].

Motives of Charles to negociate.

When the cause and the motives of this sudden transition from war to treaty are impartially considered, it appears that a precipitate recourse to arms had involved the king in a perplexing situation, from which it was impossible to advance without danger, or to recede without disgrace. Trusting to the pomp and report of his military preparations, he had rejected every proposal for accommodation at York, and, instead of a determined resistance, expected a cheap triumph, and an unobstructed march. But he was opposed on the borders by an army superior in numbers, discipline, and, what is equivalent to either, in experienced officers, and in that determined valour which enthusiasm inspires. His troops betrayed an indifference to his cause, and his nobility a reluctance to engage in an invasion which they were summoned to repel. They participated in the universal discontent of the nation, to whom the demands of the Scots, that they might enjoy their liberties and religion unmolested, appeared so reasonable, and whose grievances so nearly resembled their own, that the war was unpopular, unless as conducive to a parliament in England; and the subjugation of the Scots was deprecated, lest it

[84] Baillie, i. 169. 79. Rushw. iii. 939.

should be transferred by the same sword to themselves[85]. The free spirit of the Scots was respected; and, from an example of successful resistance, the English anticipated the recovery of their own violated rights. The sentiments of the nation were propagated among the soldiers, by the nobility and gentry who resorted to the camp; and, on the approach of Lesly, after lord Holland's retreat, an aversion to the war was no longer concealed. It was equally impracticable to subdue the Scots, or, with an exhausted treasury, to remain on the defensive; but it was difficult to treat, where the prerogative, from their lofty pretensions, must be degraded in Scotland, and exposed to similar encroachments in England. The nobility were urgent for peace; but it appears that the king's mind was inclined by Laud, who dissuaded from action, as he was satisfied that the Scots were superior in strength, and that his own ruin was involved in a defeat[86].

Pacification at Berwick.

Whether the commencement or the result of the pacification be examined, there is no room to conclude, that, on the part of Charles, it was originally sincere. The commissioners had scarcely assembled in lord Arundel's, the general's, tent, when the king unexpectedly entered, in order, as he said, to refute the calumny, that his ear was impervious to the complaints of his Scottish subjects; but, from that moment, an end was put to

[85] May, 16—8. [86] Burnet's Mem. 139, 10.

BOOK II. 1639.

free conference, mutual explanation, and to the minute adjustment which a permanent treaty must always require. As an umpire between himself and his subjects, he declined a vindication that was offered for their past conduct. When their desires were specified, the enjoyment of their religion and liberty, according to the ecclesiastical and civil laws of the realm, was too reasonable to be refused; but the confirmation of the late assembly was too humiliating to be conceded. No cordial accommodation was attainable, unless its acts were either confirmed or renewed; but the commissioners knelt in vain, and implored the king to consent to the removal of episcopal power. A conciliatory measure was at length adopted; a new assembly was proposed, as a substitute for one which the king was unwilling to acknowledge, and the Scots to disclaim. A royal declaration was accordingly prepared; that, though the late pretended assembly could never be acknowledged, ecclesiastical matters should be referred to the decision of another assembly, and civil affairs to a parliament summoned to confirm its acts. On this indefinite basis, the articles of pacification were hastily constructed; that the armies should be disbanded on each side, the fleet withdrawn, and the forts restored; that all illegal conventions should be dissolved, and that the authority of the sovereign should be again established[87].

[87] Hardwick's State Papers, ii. 130. Rushw. iii. 940. Baillie, i. 179. Burnet's Mem. 140.

Such were the ostensible terms of the treaty, which was modified, according to the Scots, by certain verbal explanations, carefully noted on their return to their camp. If the declaration appeared to be harsh or ungracious, it was observed, that something was due to the king's honour, lest it should be degraded abroad; that the assembly, of which he publicly disapproved, the nation was neither required nor understood to renounce; and that his consent at present to the removal of episcopacy might prejudge the future decision of the assembly to which the question was referred. These concessions were afterwards disavowed by the English commissioners, and burnt as slanderous; but they are consonant to the tenor and ambiguous spirit of the whole treaty, and apparently genuine[88]. Is it credible, that the Scots would acquiesce, without reservation or remonstrance, in a declaration, that their late beloved assembly was a spurious synod; or, was it possible ever to accomplish the treaty, if the removal of episcopacy had been peremptorily refused? Vague and ambiguous expressions might be received and noted as positive conditions; but these explanations were necessary to reconcile the Scots to a declaration in which Charles evidently consulted his own reputation, and were implied in the very pacification, the object of which was to examine, in a new assembly, the abrogation of episcopacy by a synod

[88] See Note V.

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which the king refused to confirm, and the nation to disown. Sensible that the influence of the covenanters would procure an assembly to renew, and a parliament to ratify all its acts, he could only propose to obstruct their decision, and evade the object to which the treaty was directed.

necessary to the Scots.

The pacification was necessary, however, to the Scots, who were incapable of maintaining a defensive war, and averse from an offensive war as premature. Nor was it less advantageous in impressing the English with an esteem for their moderation, and foreign nations with the reputation of their strength. But, wherever the sword has been once unsheathed, a treaty with the sovereign is seldom permanent. A pacification in which nothing definitive had been concluded, was justly deemed a precarious armistice, to subsist till the war could be renewed with advantage. The more zealous covenanters were dissatisfied that the repeal of episcopacy was omitted, and alarmed lest the treaty should leave them unprotected, and exposed to the resentment of the king. Their army, notwithstanding, was disbanded; their camp of huts was burnt; the fortifications of Leith were surrendered; and thirty castles were restored to government[89].

Mutual jealousies.

Jealousies, and, as it was natural to expect, some occasional disorders survived the commotion. Fourteen of the principal covenanters, when in-

[89] Baillie, i. 187.

vited to the court at Berwick, were detained by the apprehensions of the populace for their safety; and the king, who had promised to preside in the assembly, was dissuaded, by the flattering remonstrances of his courtiers, from entrusting his person among the mutinous Scots[99]. Traquair was appointed commissioner, instead of Hamilton, who declined the renewal of that painful pre-eminence; and Charles returned in discontent from an inglorious campaign, which he was unable to prosecute, and a treaty to which he was unwilling to adhere.

BOOK II. 1639.

Having advanced so far, says a celebrated historian, he should have persevered in pacific measures, nor have recommenced hostilities, except on such provocations as would have justified his cause to the English nation. Perhaps he mistook those imaginary injuries, which affected no one, for provocations in which the whole nation would participate with himself. His new commissioner was speciously instructed to subscribe the covenant as it was originally framed; to prohibit the liturgy, but not as superstitious; to repeal the articles of Perth, yet not as if abjured in the confessions of faith; to remove the high commission, the canons and episcopacy, not, however, as unlawful, but, if necessary, to prevent a rupture, as inconsistent with the constitutions of the Scottish church. Under these fastidious distinctions, we

Dissimulation of Charles.

[99] By Strafford (Letters, ii. 363.) and Windebank. Clarend. State Papers, ii. 56.

BOOK II. 1639.

discern a latent and refined duplicity; especially when the king declares, that, "rather than abro-"gate the assemblies or the statutes which his father "had procured to support episcopacy, *and which* "*might prove so useful hereafter*, he was content "that his secret intentions should transpire." His secret intentions are explained by the counsels which he received from Traquair; to acquiesce, for a time, in the repeal of episcopacy, because whatever was enacted during the absence of the prelates, one of the estates of parliament, was intrinsically null, and, at a more propitious season, might be easily revoked. His consent to the abrogation was granted, with a secret reservation for the revival of their order; and, availing himself of the ambiguous request in the treaty, to enjoy religion and liberty according to the civil and ecclesiastical laws of the kingdom, he proposed to retain their temporal, as the means of restoring their spiritual powers. For that purpose, he instructed the bishops to lodge a protestation against the assembly and parliament, which was to be divulged to neither, but which, in order to give the forms of publicity to an instrument meant to be kept a profound secret, was to be presented to his commissioner by some obscure, unsuspected person, on his entrance into the church where the assembly was held. He assured the prelates that the concessions to which he might yield at present, he should study to recover, and consoled them with a promise to repair their losses, and in due time to

re-establiſh their power [91]. His dissimulation, which it is impossible to deny, it is in vain to extenuate: yet we may observe in those reservations, that by a casuistical deception not uncommon among mankind, he was solicitous to obtain, not only a legal but a conscientious pretext, to justify to himself as well as to others, the revocation of every reluctant concession. But his dissimulation illustrates the insincere object of the preceding treaty. By the reference of all disputes to a future assembly, while he meditated how to reverse its decisions, he persuaded the Scots to disarm and disperse.

BOOK II. 1659.

The assembly was conducted by the prudence of Traquair, with a moderation which might have convinced him that the nation was not yet irreconcilably lost. Every reference or allusion to the preceding assembly, was carefully avoided in compliance with his prejudices; but the same conclusions were preserved, by recapitulating the grievances with which the church was afflicted. The liturgy, the canons and high commission, the articles of Perth, episcopacy and its corrupt assemblies, the admission of churchmen to seats in parliament, were enumerated, in the language of the

Assembly at Edinburgh.

[91] Burnet's Mem. 149—51—6—7. One of Traquair's instructions is remarkable, that at the conclusion of the assembly he should protest, in the fairest way he could, that whatever passed in his master's absence might be challenged afterwards, if prejudicial to his service. This was to obtain a pretext for disavowing his commissioner.

BOOK II. 1639.

assembly, as superstitious, tyrannical, or adverse to the confession of faith; but were condemned almost in the terms prescribed by Charles, as still unlawful in the Scottish church. The covenant was renewed, and accompanied by a declaration to support the authority of the king, and when it was subscribed by the commissioner, the assembly, on his promise to confirm its conclusions in parliament, was dissolved with mutual satisfaction, and with the most public demonstrations of national joy [92].

Parliament.

Whether episcopacy were condemned as repugnant to the constitutions, or as unlawful within the pale of a particular church, must appear an immaterial difference, unworthy to form an obstacle to a national settlement; yet on this minute distinction, the king refused his assent to the conclusions of the assembly, which the parliament was appointed by the pacification to confirm. Perhaps he was serious in his apprehensions that episcopacy, if condemned in the Scottish, might by inference appear equally illegal in the English church; yet another consideration was more immediate and obvious; the constitution of a church might be altered and improved, but episcopacy once admitted to be unlawful, would never be restored. When the parliament assembled, its measures were well calculated to disconcert his designs. As if to obviate the secret nullity upon which he relied, an act was prepared for the con-

[92] Burnet's Mem. 158. Acts of Assembly. Rushw. iii. 957.

stitution of parliament, and instead of the absent prelates, the representatives of the lesser barons were substituted as the third estate. It was speciously maintained, as an obligation necessarily incurred by the treaty, that the acts of assembly, in order to be ratified by parliament, must be confirmed by the king; but that his confirmation would be partial and insufficient, unless the temporal as well as spiritual powers of prelates were abolished; and that the parliament would be incomplete and null, unless a third estate were previously created, to supply the absence and abrogation of the spiritual peers.

Its proceedings.

In the appointment of lords of articles, which the prelates had hitherto arrogated to themselves, it appeared, that, instead of a furious and blind fanaticism, the covenanters were actuated by a sincere attachment to constitutional liberty, tempered however with due moderation. They acquiesced for once in the nomination of peers for the articles as made by the commissioner; but at the same time they provided that the future appointment of that committee should be optional to parliament; that the members should be freely and separately chosen by their respective estates; that their powers as a committee, which were accurately defined, should extend to such articles as were referred to their consideration, and if not again reported, might be resumed by the original proposer in parliament. Freedom of discussion was also secured; the

BOOK II. 1639.

usurpation of a dangerous negative on debate prevented; and provision was made for the uninterrupted meeting of the estates, from the first day, when the parliament assembled to appoint its committees, to the last when the articles were approved and confirmed. It was the design of the covenanters to restore the constitution, if not to the ideal balance ascribed to that of England, yet to such freedom at least as a senate composed of hereditary and representative orders intermixed together, never fails, if independent, to confer. The benefit and the abuse of proxies were equally rejected; the admission of strangers unconnected with the country, as peers of parliament, was foreseen and prohibited; and they resisted an artful proposal of the commissioner's to replace the spiritual estate with lay abbots, whom their very nomination would have rendered subservient and devoted to the crown. Once at least within three years, they required a parliament to be held. They demanded that the abuses of the mint should be remedied, as the coin was daily enhanced or adulterated; that, to prevent an arbitrary augmentation, the rate of customs should be regulated and ascertained; and that the national fortresses should be entrusted as formerly to natives chosen by the advice of the estates. A confirmation of the late assembly was prepared, together with the repeal of every statute to establish prelacy; but before a single article was reported to parliament, their career was interrupted by a sud-

den prorogation. The earls of Dunfermline and Loudon were dispatched to court, as commissioners to vindicate the acts, and to remonstrate against the prorogation of parliament, which the estates declared unprecedented and illegal without their own consent; but as a mark of obedience they agreed to disperse [93]. BOOK II. 1639 Nov. 14.

Before the arrival of the Scottish commissioners, the renewal of the war was precipitately determined in the English council, on the report of Traquair. The proceedings of parliament had furnished ample provocation, in the opinion of Charles, to produce or to justify a national quarrel, and to convince the English that it was no longer an episcopal war, originating from a devout or superstitious ritual, and waged for the preservation of episcopal power; but that a revolution in the government, and the destruction of regal authority were designed. The bigotry of Laud, and the violence of Wentworth, who asserted that the demands of the Scottish parliament struck directly at the roots of monarchy, overpowered the moderation of Hamilton and Morton; for to these four, under the denomination of the *junto*, the superintendance of Scottish affairs had been long entrusted. When the Scottish commissioners were admitted to an audience, their credentials were rejected as unsatisfactory, on the evasive 1640. Renewal of the war determined. March.

[93] Rescinded Acts of the Scottish Parliament. Burnet's Mem. 159. Crawford, MS. Hist. ii. 487. Rushw. iii. 992. 1015.

BOOK II. 1640.

supposition that an accommodation was solicited. But the vindication of the estates was pronounced by Loudon. He reminded Charles that the conclusions of the late assembly, in order to be confirmed in parliament according to the pacification, must necessarily be ratified by the king himself: he represented that the confirmation would be ineffectual without the repeal of those statutes which had restored the prelates to their temporal authority, and that the parliament itself would be invalid, without the previous creation of a third estate: he maintained that the lords of articles were originally and properly an occasional committee, dependent on their respective estates for their election and powers: he asserted that the regulation of the customs and coin was supported by precedents, or justified by urgent necessity of the case; and he explained the prohibition, or the recall of proxies of patents of honour, and the national fortresses entrusted to foreigners, as requests to his majesty very different from an usurpation of his prerogative [94].

Pretext for a war.

It was obvious that articles merely prepared for the consideration of parliament, before they were adopted, could afford no adequate reason nor even a plausible pretext for the renewal of war. A letter was therefore produced by Traquair, which had been written before the pacification by Loudon; subscribed by seven of the chief nobility, and addressed (*au roi*) in the style appropriate to

[94] Rushw. 1023. Nalson, ii. 80.

the French king, to justify their conduct and to implore his assistance. The letter was without a date, and directed surreptitiously by a different hand; but from some impropriety of diction, had never been transmitted; or more properly had been rejected from an early resolution, to decline the open interposition of continental powers. The discovery revealed the secret resources of the Scots; and was aggravated as a transference of their allegiance to a foreign prince, and as the introduction of a foreign force into Britain. Their commissioners were arrested, and it was believed that Loudon, the author of the letter, narrowly escaped execution in the Tower. A warrant to behead him in the morning without a trial, was brought by Balfour, the lieutenant of the Tower, to the marquis of Hamilton, who obtained access at midnight to the king's apartment, and with difficulty procured the recall of an arbitrary mandate, by an assurance that Scotland would be lost for ever[98]. The fact appears to be more conformable to the precipitate counsels, than to the general character of Charles, who was arbitrary indeed, but averse from the execution of a sanguinary measure.

BOOK II. 1640.

[98] Birch's Enquiry into the Transactions of Glamorgan, App. 375. The tradition is alluded to in Burnet's Memoirs, and is mentioned with aggravations by Oldmixon, on the authority of the duke of Hamilton, and by Scott of Scotstarvet, a contemporary, in his Staggering State of Scots Statesmen.

BOOK II.

1640.

Preparation by Charles. April.

The advantages expected from the letter were to be derived from its impression on the English parliament, which was summoned, after a long intermission, to support the war. But the commons were occupied with grievances, to which the consideration of supplies was postponed; the letter was utterly disregarded; and the Scots were relieved, by the abrupt dissolution of this short parliament, from their apprehensions that it might be induced to co-operate with the court. Other expedients were therefore adopted to procure supplies; four subsidies were advanced to Strafford by the Irish parliament; a benevolence was granted by the English convocation; subscriptions were raised at court, or extorted from the merchants, nor were former illegal exactions, however productive of discontent, intermitted. Instead of Arundel, Essex and Holland, whose capacity, or whose zeal in the last expedition was suspected; the earl of Northumberland was appointed general; the earl of Strafford lieutenant-general; lord Conway general of horse; and while the levies were slowly completed, the plan of the former campaign was revived [96].

Scottish parliament meets.

Neither the designs of Charles, nor the early resolution of the English cabinet to recommence hostilities, had escaped the jealous observation of the Tables. Suspicious even in disbanding their army, that the pacification was insincere, they had retained the officers, as countrymen who had re-

[96] Rushw. Nalson. Conway's Narrative.

signed their rank and emoluments abroad, and to whom a grateful subsistence was therefore due. The country was stored with arms; and assured, that on the first appearance of danger, the soldiers would return to the banners of the covenant, they remained in quiet expectation that the parliament would re-assemble when the prorogation had expired. A second prorogation, which they were disposed to contemn, was disappointed by the omission of a warrant from Traquair, who was afraid to revisit the kingdom as commissioner. Four persons were empowered to prorogue the parliament; but the lords Elphinston and Napier refused to officiate without his authority; the lord advocate and justice clerk protested against them; and the estates proceeded, in their parliamentary capacity, to the choice of a president [97]. BOOK II. 1640. June 2.

The articles already prepared were adopted. The constitution of parliament was secured by the creation of the third estate; its independence was preserved by the free election of the lords of articles, without which, every popular acquisition was deemed precarious, and constitutional liberty must have remained insecure. But the independence of parliaments was in vain consulted, unless their disuse was prevented; and it is observable that the first statute for triennial parliaments originated in Scotland. Arbitrary proclamations Its acts.

[97] Burnet's Mem. 160—6.

BOOK II. 1640.

which enjoined obedience under the penalty of treason; and the issuing of which was a prerogative unknown in Scotland, until assumed by James in imitation of the Tudors, were declared illegal. The privy council was rendered subordinate and responsible to parliament; the temporal and spiritual powers of the hierarchy were abolished; and the conclusions of the late assembly were confirmed. A tenth of rents, and the twentieth penny of interest were imposed as an assessment for the defence of the country; and before the parliament adjourned, a committee of estates was selected to superintend, at the camp and in the capital, the operations of war. The royal assent, in which the statutes were still defective, was supplied by a bond to support the authority of parliament; and from the exigencies of its situation, the executive power was transferred entire to the committee of estates [98].

Renewal of hostilities.

As all trade was obstructed by Engliſh cruisers, mutual hostilities had already commenced. The castle of Edinburgh, which had been repaired and garrisoned since the pacification, was invested by Leslie; the Highlands were restrained by Argyle with a train of artillery; and the king's friends in the north were suppressed by Monro, with the rapacity to which he had been inured in the German wars [99]. From the want of supplies, the pre-

[98] Rescinded Acts. Balfour's Annals, MS.

[99] Rescinded Acts. Balfour's Annals. Baillie, 154. Spalding.

parations were retarded, on each side, till the close of summer; but the poverty of the Scots was relieved by the active emulation of all ranks. Their plate was brought to the mint; the wealthy contributed, or interposed their credit for loans of money; voluntary collections were raised at the churches; cloth was provided by the women for tents; and every difficulty was surmounted by a generous maxim, that the true sinews of war were a national cause, and soldiers not to be procured by money, but able to procure it wherever they were conducted. The approach of Conway to Newcastle, was the signal for their army to assemble at Dunse. Its force consisted of twenty-three thousand foot, three thousand horse, and a train of cannon, in which we distinguish a species of light leathern artillery, first invented, or employed by Gustavus; capable of sustaining twelve successive discharges, and so portable that two pieces were transported, on the same carriage, by a single horse [100]. Their army remained three weeks on the borders, under the command of Lesly, improving in discipline, and refreshed by daily exhortation and prayer. Their transition from a state of internal defence, to an external, if not an offensive war, is ascribed to a letter, to which the names of six English noblemen were

BOOK II. 1640.

August.

[100] This is evidently the artillery to which Burnet alludes, in his erroneous account of the Scottish army. Hist. See Harte's Hist. of Gustavus.

BOOK II. 1640.

forged by lord Saville; inviting the Scottish army to approach, and promising to co-operate in procuring a mutual redress of grievances. In their conferences however, with these noblemen, and with Pym and Hambden, the Scottish commissioners, during their residence in London, must have received such secret assurances of support, that without this forged invitation, the committee of estates would have chosen to transfer the war into England [101]. In the declarations that preceded their march, they were chiefly solicitous to vindicate their expedition as strictly defensive; as requisite at least, where their trade was intercepted at sea, and when their country was ready to be invaded by land; and as directed, not against the English nation, but against the popish and arminian prelates who surrounded the throne, and at whose instigation hostilities and an exterminating invasion were again renewed [102].

August 21. Expedition of the Scots into England.

Before the king's forces were entirely collected, they crossed the Tweed, and advanced without opposition from Coldstream to the Tine. At Newburn, the passage of the river was disputed by Conway, from batteries erected on the opposite bank; but a detachment of six thousand horse and foot was found insufficient to resist the Scots. Their general first requested permission to

August 28.

[101] Burnet's Hist. i. 34. Clarend. i. 135. Rushw. iii. 1037. Whitlock, 31. The letter is inserted in Oldmixon's Hist. 141.

[102] Rushw. iii. 1223. Appen. 183.

pass; then, on a shot from an English centinel, their artillery unexpectedly commenced such a severe fire that the batteries were abandoned. The general's guards, a troop consisting entirely of lawyers, crossed the river, with a thousand musketeers, to seize the batteries; and on advancing in pursuit of the foot, they were encountered by the English cavalry arranged to receive their attack. But the latter were disordered by a discharge of artillery, and instead of protecting the retreat of the infantry, they retired to an eminence, and when attacked by Lesly, deserted Wilmot their commander, and spread confusion through Conway's reserve. The loss was inconsiderable, but their standard and three commanders were taken; and the route was so complete, that the cavalry retired to Durham, and the foot to Newcastle, from which the whole army retreated into Yorkshire next day [103].

Disperse the English at Newburn.

The victory was the more seasonable to the Scots, as their provisions were exhausted. Their army obtained immeditate possession of Newcastle, Tinemouth, Shields, and Durham; of large magazines of arms and provisions, and of the counties on which London is dependent for coals. The engagement happened on the day appropriated in

Seize Newcastle.

[103] Rushw. 1236. Baillie, i. 203. Lord Conway's Narrative in Hardwick and Hailes. Of the English, about sixty were killed and three hundred taken prisoners; of the Scots, not above twelve.

BOOK II. 1640.

Scotland to a solemn fast for the success of their arms; and as the castle of Dumbarton had surrendered, and an incursion from Berwick was repelled with loss, on the same day, by the earl of Haddington, the coincidence of these events was received as no doubtful indication of divine aid. By the explosion of a magazine of powder at Dunglas, the earl of Haddington was buried, with his friends and attendants, in the ruins of the castle; but the assurance in the protection of heaven revived, on the surrender of Edinburgh castle, which was compelled by famine, to capitulate after a gallant defence [104].

Sept. 2. Treaty at Rippon.

No sooner were the Scots established in the northern counties, than they resumed their petitions, as if unwilling to deviate from their accustomed moderation. In the extremity to which the king was reduced, he had retired with a mutinous army, from Northallerton to York, where he summoned a council of peers to meet, and referred to their consideration the petitions and the expulsion of the Scots from England. A treaty was suggested as the only means to prevent their advance; a parliament was requested, and appointed to be held, and sixteen noblemen, eminent both for their popularity and their rank, were proposed by the council to negociate with the committee of Scottish estates. The treaty commenced at Rippon, and when

[104] Baillie, i, 205—8. Balfour's Annals.

some of the English expostulated in private at the reserve of the Scottish commissioners, who resented their caution, the invitation fabricated by Saville, to march into England, was produced, and the forgery detected [105]. A secret understanding undoubtedly subsisted between the commissioners, who studied apparently to prolong the treaty, and to retain the Scots in arms till the approach of parliament. The month of October was consumed in adjusting preliminaries. The most material was a cessation of arms, the most difficult preliminary was a daily subsistence to the Scottish army, without which they represented, that, as it was impossible to advance during the dependence, and imprudent to retire till the conclusion of the treaty, a suspension of hostilities would be worse to them than a continuance of the war. In order to exempt the four northern counties from their contributions, the daily sum of eight hundred and fifty pounds was allowed for their subsistence; a loan of two hundred thousand pounds was obtained by the credit of the peers; and Charles, the sovereign of two nations involved in a reluctant war, was reduced to the singular necessity of supporting two hostile armies at once in the field. But his councils were distracted; and as his army was unequal even to a defensive war, the truce was necessary to

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[105] Burnet's Hist. Nalson, ii. 427. Heylin's Life of Laud, 84.

BOOK II.

1640. Transferred to London.

restrain the Scots to the counties which they occupied beyond the Tees. At the request of the English commissioners, whose attendance was requisite in parliament, the treaty was transferred to London by an error which the king was never afterwards able to retrieve [106].

[106] May, 75. Clarend. i. 140—54. Rushw. 1236. 1310.

THE

HISTORY

OF

SCOTLAND.

BOOK III.

Discontent of the English, and transactions of their long Parliament.—Negociations and Treaty with the Scots concluded.—King's journey to Scotland. Accommodation there—Irish massacre—Secret policy of the King, and of the English Parliament, explained from the History of Scotland.—Origin of the civil wars.—Mediation of the Scots—rejected.—Their accession to the English Parliament.—Solemn League and Covenant.

BOOK III. 1640. Discontents in England.

LOYALTY, even in the extreme, is esteemed by some an innate principle so congenial to human nature, and by others regarded as such an inveterate prejudice, that the sudden transition of a people from submission to resistance, may excite surprise. But the Scots were seldom distinguished for loyalty; and in England, where the acces-

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sion of the Stuarts was a recent event, a foreign race had struck no permanent root in the soil; nor had acquired that general, submissive attachment, which an hereditary succession, long established, never fails to inspire. Since the expulsion of the Baliols, the civil wars of Scotland were invariably a contest with the sovereign, to circumscribe, yet not entirely to extirpate monarchy; but in England they sprang from the ambition of rival families, and from the claims of different competitors for the crown. But the character of the people had now sustained a material change. The accumulated abuses of two reigns demanded an extensive, and prompt reform. The grievances of the two kingdoms were nearly similar; and a similar remedy was suggested by the successful example of the Scots. The nation expected redress from a parliament summoned in consequence of the king's necessities; the parliament depended for its duration, on the friendship and co-operation of the Scottish army; and the patience with which the Engliſh acquiesced in a disgraceful invasion, affords the strongest proof of the disgust which an arbitrary reign had excited.

Long parliament. Nov. 3.

In requiring assistance to expel the rebels, an expression which he endeavoured afterwards to soften and extenuate, Charles, at the opening of the parliament, appears to have formed a very inadequate estimate of his own situation, and of the

spirit of the times. The uniform policy of his whole reign to divide the nation; to discredit and suppress the religious, who were adverse to the discipline or the rites of the church, and the political puritans, who were attached to the principles of civil liberty, had united and instilled into those parties, an incurable animosity against his government. The presbyterians, a numerous and formidable party, coalesced with the majority of a discontented nation; and on the election of the commons, the most pious and patriotic members were returned to parliament. The first care that ingrossed their attention, was an examination of grievances; the result was an immediate impeachment of Strafford. That unfortunate statesman, who had hastened to parliament to impeach the popular leaders of a correspondence with the enemy, was not less obnoxious to the English from his early desertion of the popular cause, than to the Scots, from his active instigation of the war. As lord lieutenant of Ireland, he had anticipated the king in proclaiming them traitors; had extorted by an arbitrary oath, a disavowal of the account from their countrymen in Ulster; had procured large subsidies from the Irish parliament, and collected an army that menaced their coasts and distracted their operations. His aversion to the late treaty had been indulged so violently, or was so vehemently resented, that the Scots refused to transfer the negociations to York, where

Impeachment of Strafford.

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Strafford, their implacable enemy, enjoyed the supreme command [1].

Reception of the Scottish commissioners.

Their commissioners, Rothes, Loudon, Johnston, and others, were sent to London to conclude the treaty, and were received with the most flattering attention and respect. A house was appropriated in the city for their residence, and the adjacent church of St. Antholin's was assigned for their devotions. They were attended by Henderson and other eminent divines; and from dawn till the sabbath was concluded, their chapel was crowded and surrounded with multitudes of all ranks, whom the novelty of presbyterian worship had attracted. The conflux and insatiate resort of the people, who clung to the windows, when excluded from the doors, to inhale the sanctified tone, and provincial accents of a barbarous preacher, are justly ascribed to the fanatical spirit, which had begun to predominate, and which rendered them apt recipients for the fumes of devotion [2]. Their propensity to the presbyterian worship had suffered a long and severe restraint. The tide recurred with a violence that presaged some important change. Such is the intolerant genius of religion, that the Scots, though irreconcileable to the conformity which their monarch demanded, and arrayed in arms to oppose it, had aspired, in their turn, to a different conformity; the adaptation of

[1] Rushworth, viii. p. 1293. iv. 494. v. 12. 17. Strafford's Letters, vol. ii. Clarendon, i. 175. Sanderson, 337.

[2] Clarendon, i. 189. Hume, ch. 54. Baillie, i. 212.

the English church to a model of their own. Their abhorrence of the hierarchy was neither a local passion, nor confined to Scotland. Not satisfied with an honourable situation, that enabled them to vindicate the liberties of England, unless the true religion were also restored, they combined with the puritans to reduce the prurience, or to extirpate even the roots of episcopacy, and to convert the decayed trunk into a fair platform of presbyterian equality. The petitions of the clergy and citizens of London, to abolish episcopacy root and branch, were promoted by the writings and exhortation of their divines. But their zeal was more particularly conspicuous in the treaty, where, as the basis of a permanent concord, they urged an unity of religion, and uniformity of ecclesiastical government, in both kingdoms; and here they recommended their own, as the approved model of a presbyterian church [3].

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The treaty advanced with a slow pace, as if studiously protracted by the jealousy of the Scots. Sensible of their error at the pacification of Berwick, they rejected those verbal assurances with which they had been once deceived, and, requiring every communication to be reduced to writing, they refused to negociate in the presence of the king [4]. Their demands consisted of eight ar-

Treaty at London.

[3] Clarendon, i. 218—53. Rushworth, v. 368.

[4] Collection of papers concerning the treaty at Newcastle and London: Wodrow's MSS. vol. xxii. folio; in the Advocates' Library.

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ticles; that the acts of the late parliament should be published in his majesty's name; that the national fortresses should be conferred on natives, with the consent of the estates; that their countrymen in England and Ireland should be released from oaths inconsistent with the covenant; that public incendiaries, the authors of hostilities between the two kingdoms, should be referred to the judgment, nor exempted afterwards from the sentence of their respective parliaments; that their ships and goods should be restored, and the damage repaid; that the nation should be indemnified for the losses and heavy charges sustained from the war; that all opprobrious proclamations should be recalled; and that the religion and liberties of the nation should be secured by a permanent and beneficial peace. The tacit confirmation of the late acts, and the punishment of incendiaries, were the articles to which it was most difficult for Charles to accede. The former comprehended almost every civil and religious demand; the latter implied the surrender of his ministers to public justice. Unable openly to oppose the repeal of episcopacy, or the lords of articles, or the free operation of national justice, he requested in vain, that the Scots would adhere to their original demands at Berwick, nor solicit more than the enjoyment of their civil and religious rights. Tenacious of the minutest articles, they represented to the English commissioners, that their situation was very different since the renewal

of hostilities, which it would be impossible to prevent in future, unless additional securities were provided, and an adequate punishment were inflicted by parliament on the authors of the war. The king was compelled to assent reluctantly [5]; Dec. 15. and the first fruits of the negociation were two accusations preferred to the English parliament against Strafford and against Laud. They had some foundation for their accusation against Laud, who had usurped a patriarchal authority over the church, and from whom the liturgy and canons had originated; the source of their discontent, and the sole cause of their recourse to arms. Against Strafford, as a commander, no ground of accusation existed, unless, indeed, it were criminal to prosecute a war undertaken by his sovereign. But the war itself must be ascribed to his and to Laud's instigation. Its renewal was productive of every subsequent misfortune to Charles, and constituted a principal charge against his ministers, whom the Scots denounced as the prime incendiaries, and as authors of hostilities between the kingdoms. Under the same name of incendiaries, the prelates and the principal statesmen of Scotland were reserved for the vindictive justice of their own parliament; but the marquis of Hamilton, a wary politician, had availed himself of the king's permission, to assume the character and language of a covenanter, in order to pene-

[5] Wodrow's MSS. vol. xxii. folio.

BOOK III. 1640.

trate into their designs; and, by the release of Loudon, had disarmed their resentment, and secured their esteem [6].

1641. Brotherly assistance.

The indemnification demanded for an unprovoked war was referred to parliament; and, as the damages sustained at sea, and the charges incurred during two campaigns, were minutely enumerated, if not much exaggerated, an enormous sum of five hundred thousand pounds was accumulated in the account. But the Scots declared, that, as they had undergone the whole danger from the common enemy, and, had it not far exceeded their abilities, would have cheerfully supported the whole expence, so they expected nothing more than a proportionable compensation for such losses as the poverty of their country was unable to sustain [7]. Their assistance against the common enemy, the popish and prelatical faction, was still requisite, and the parliament acceded to their demand, as a pretext to gratify them, and at the same time to retain them in arms. Three

Feb. 3.

hundred thousand pounds were voted, as a fit proportion, and a friendly assistance, towards the losses and distresses of their brethren, the Scots; but, while the funds for this *brotherly assistance* remained unprovided, the parliament entertained no

[6] Wodrow's MSS. vol. xxii. folio. Nalson, i. 681. Burnet's Mem. 148—71. Clarendon, i. 152—89. Hardwick's State Papers, ii. 141.

[7] Wodrow's MSS. v. xxii. and Sanderson, 355, where the account is inserted.

apprehension of their departure, or of a speedy conclusion of their treaty with the king[8]. BOOK III.

While the treaty was thus protracted, the fate of Strafford was determined in parliament. An endeavour to subvert the fundamental laws was a species of constructive treason till then unknown, and was established on facts which were either indifferent in themselves, or insufficient separately to constitute such crime. Whether from the novelty of the accusation, or from the defective nature of the evidence, a bill of attainder was necessary to reach his devoted head. Charles, who, according to the ordinary dispensation of justice, might have remained a silent spectator of his fate, was reduced, by the bill of attainder, to the cruel alternative of becoming accessary to the death of a favourite minister, endeared by his services, or of involving himself in a rupture with parliament, and in a civil war, while he was unprepared for the event. As a constitutional precedent, the attainder of Strafford is surrounded with difficulties. Were an act, declaratory of treason, to be restrained, on the one hand, within the limits of the established law, a statesman, secure from the stroke of justice, might conspire, with impunity, to subvert the fundamental laws of the constitution, which implies no treasonable design against the crown; yet, on the other hand, an act declaratory of new crimes might ultimately recoil on 1641. Strafford's attainder.

[8] Rushworth, v. 169. Baillie, i. 240.

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the people themselves; and a servile parliament might indulge the ambition or the resentment of a minister, by the attainder of every opponent whom he hated or feared. The evidence against Strafford was defective, however, as it indicated rather his advice and opinion, than a concerted design to render Charles independent of parliament; but, as mercy is not the attribute of collective bodies, he suffered, without legal evidence, from the violence of his accusers, and the secret conviction or the fears of his judges. The apprehensions of his escape if the trial were interrupted, seem to have first suggested the bill for preventing the dissolution of parliament without its own consent[9].

Treaty concluded.

When the redress of grievances was partly accomplished by the English parliament; when the star-chamber, the high commission, and other arbitrary courts were suppressed or regulated; monopolies, shipmoney, and every illegal exaction abolished, and triennial parliaments were appointed to be held, (measures which historians the most partial to monarchy, have pronounced beneficial,) the treaty was accelerated by the king's resolution to revisit Scotland. At first he was hardly serious in the treaty, when he expected assistance from an indignant parliament, to repel an invasion which was neither unexpected, nor unwelcome to the nation. Disappointed in his design to persuade the English army to march against parlia-

[9] Rushworth, v. 293.

ment [10], he endeavoured by every allurement to conciliate the Scots, and to detach them if possible from the popular cause. The promise of a rich marriage, and of an office in the bedchamber, had operated on the versatile genius of Rothes; but the most secret political apostasy is soon suspected, and the importance of a popular leader is lost on his defection [11]. The treaty suffered little alteration from his change. The prosecution of incendiaries, the Scottish prelates, and officers of state, was ineffectually resisted. The prelates might be abandoned, for they had no hope of return; the offences of the inferior statesmen were not productive of such popular indignation; but the king was interested in the preservation of Traquair, by every motive of gratitude for his for-

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[10] Historians, distinguishing between a plan to *gain over*, and to bring up, the army, have acquitted Charles of the latter, as the vicinity of the Scots must have rendered it impracticable. (Hume, ch. 54.) But it is obvious that the army must have first been gained over before it was brought up, which was the only method to render the army serviceable when gained. A part would have sufficed to march against parliament, while the main body remained to oppose the Scots. By countersigning the petition of the officers, Charles expressed his approbation of the first part of the plan. The other was a necessary consequence, and the petition inserted in Clarendon sufficiently intimates this last design. "For the suppressing of tumults and securing the king and parliament from such future insolencies, &c. *to wait upon him.*" That is to march directly to London. Clarendon, i. 244.

[11] Burnet's Memoirs, 184. Hist. i. 38. Clarendon's Hist. i. 280. Lord Hailes' Memorials and Letters, ii. 136.

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mer services, and by compunction at the recent execution of Strafford. He threatened to retaliate, by reserving from the act of oblivion an equal number of the commissioners themselves; but at length the prosecution of incendiaries was referred to parliament; their punishment was tacitly reserved to the king; and it was understood that they should be removed from his person, and excluded from every office of emolument and trust. The remaining articles were easily adjusted. A fourth part of the brotherly assistance was advanced; the rest was to be discharged in equal moieties within two years; ecclesiastical conformity was referred to the English, official arrangements to the Scottish parliament; and on the refusal of the king to defer his departure, the commons, jealous of his intentions and personal influence, ordered the arrears to be provided, and the armies to be mutually disbanded or withdrawn [12].

August.

Defection of Montrose.

In consequence of a solemn obligation inserted in their covenant, to abstain from separate or *divisive* measures, the Scots had hitherto preserved a degree of union perhaps unexampled, to which they were principally indebted for their past success. The dissolution of that union, however, was prevented only by a timely discovery. Impatient of a superior, and conscious of military talents unmarked by his countrymen, Montrose was unable to brook the pre-eminence either of Argyle in the

[12] Lord Hailes' Memorials and Letters, 120—30. Burnet's Mem. 132. Baillie, i. 228. Rushw. v. 361. Clarendon, i. 280.

senate, or of Lesly in the field. His expectations of the supreme command were disappointed; and at Berwick the returning favour of his sovereign had regained a nobleman, originally estranged from the court by neglect, and detached from the covenant by secret disgust. His correspondence with Charles was detected during the treaty of Rippon; and a bond or counter-association was discovered, to which he had procured the subscription of nineteen peers. The committee of estates were averse from division, and were disposed to rest satisfied with the surrender and formal renunciation of the bond [13]; but conciliatory measures were disappointed by a report which Montrose had propagated injurious to Argyle. Stewart, commissary or judge of the consistorial court of Dunkeld, was produced as his author, according to whose information, Argyle, in the presence of the earl of Athol, and of eight others, his prisoners, declared that the estates had consulted divines and lawyers, and intended to proceed to the deposition of the king. An allegation so little reconcileable with Argyle's characteristical prudence, was, if well founded, susceptible of a complete and immediate proof. But the fact was denied by the witnesses present, and retracted by Stewart, who was arraigned and convicted of leasing making, on a train of sanguinary statutes; and to the alternative of confirming the public report, that he

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His intrigues and accusation against Argyle.

[13] Burnet's Mem. 178. Baillie, i. 203—10. 313.

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had been induced to retract the charge by an assurance of life, Argyle inhumanly preferred the execution of those iniquitous laws upon which Balmerino was condemned [14]. Stewart's information had been secretly transmitted by Montrose to court; but the messenger, on his return, was intercepted by Argyle. Whether or no the facility with which the king might assume the command of the army, or acquire an ascendancy by his presence in parliament, was suggested by Montrose, the discovery of an obscure correspondence in cypher, excited a general alarm. On his arrival in Scotland, the king had the mortification to find that Montrose and his friends were imprisoned in the castle, and that the detection of the *banders and plotters* had exasperated the prosecution against incendiaries [15].

Arrival of Charles in Scotland.

The present was very different from his former visit, when in the plenitude of uncontrolled power, and amidst the splendour reflected from a brighter diadem, he accepted the obscure crown of his ancestors, after a firm possession of the sceptre during eight years. His journey conducted him through an army of rebellious subjects, whose generals he affected to caress, without attempting to assume the command. His reception, however honourable, was from those persons whose arms

[14] See Note VI.

[15] Id. Burnet's Mem. 184. Guthrie's Mem. 89. Baillie, i. 320. Spalding, 288. Arnot's Criminal Trials. Rushworth, v. 290.

had nearly subverted his throne, but whose attachment he must now cultivate as its last support. While he meditated on these sad vicissitudes, the causes and the consequences were present to his view, and his experience of the bitter fruits of insincerity in the former pacification affords at least a presumption that the present was sincere. BOOK III. 1641.

His address to parliament was cordial, though expressive of early prepossessions. He regretted the jealousies which he proposed to remedy, and the distractions which he came in person to remove. Whatsoever he had promised, he professed his resolution to accomplish cheerfully, and in the most ample form, for the public satisfaction; and, in return, he claimed the allegiance of his subjects to the supreme authority, transmitted entire through an hundred and eight generations of kings. As a voluntary demonstration of his zeal and sincerity, he prepared to ratify the acts of the preceding session; but the estates were cautious and inflexible in maintaining their former validity, and the treaty required no more than their promulgation in his name [16]. When the treaty was confirmed, the tranquillity of both kingdoms was consulted by provisions reciprocally adopted: 1. That neither should declare war against the other without due premonition, nor without the previous consent of parliament: 2. That assistance should be mutually furnished to each parliament, to prevent Parliament.

[16] Balfour's Journal of Parliament, p. 45. MS. Advocates' Library.

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invasion, or to suppress internal commotions: 3. That during the interval between triennial parliaments, commissioners should be entrusted with the conservation of peace. The first provision was salutary, and, at an earlier period, might have prevented the war; the second led to the interposition of the Scots in the dissensions of England, and the third produced an entire suspension of regal power. Scotland, perhaps for the first time, beheld a parliament, whose deliberations, from the single day to which they were formerly limited, were prolonged for months, and pursued, without interruption, in the presence of the king. And the lesser barons, hitherto restrained to a single suffrage for each county, assumed, for the first time, each a separate and independent vote [17].

Prosecution of incendiaries.

Official arrangements had been reserved by the treaty for consideration in parliament; and, in consequence of the death or the prosecution of incendiaries, the chief offices of state were vacant. But the parliament was unwilling to relinquish the prosecution of incendiaries; and, in the choice of ministers, the king was justly tenacious of his last prerogative. It was the chief sinew of government which he was anxious to retain; it was a prerogative which had never been once contested in England, and which in Scotland had been established by long possession. The covenanters were actuated, however, by a patriotic desire to render

[17] Supra, p. 30. Rescinded Acts. Baillie, i. 328.

the government independent of the English cabinet, to which the ministers, since the accession, had ever been subservient, and the interests of the country had been uniformly sacrificed. By a mutual *accommodation*, the number of incendiaries was reduced to five; and Charles submitted to the appointment of ministers, judges, and of privy counsellors, with the approbation or consent of the estates while sitting, and of the privy council when the estates were adjourned or dissolved. The parliament agreed, in return, to release the incendiaries and plotters from prison, and to refer their trial to a committee during the recess, and their sentence to the king. The choice of ministers was productive of new disputes. Argyle and Loudon were equally qualified, by their talents and learning, for the office of chancellor, but the latter was preferred. The earl of Lanerk continued secretary; Roxburgh lord privy seal; and the treasury was put in commission, as the king was unwilling or afraid to aggrandize Argyle. Eight persons were rejected from the list of counsellors. The president and three judges, accused or suspected of malversation, were removed from the bench, to which Johnston was promoted by the title of Wariston; and, when the administration of justice was resumed, the judges presided alternately, by rotation or choice. The chancellor was the only officer of state who retained an official seat, or a double vote in the deliberations of parliament; and the offices conferred by the advice

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Officers of state.

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of the estates, were confirmed during good behaviour or life [18].

1641. Irish massacre.

It was amidst these internal regulations, that intelligence of the Irish rebellion was received. Insurrections directed in Scotland to the preservation of civil and religious liberty, though inflamed by enthusiasm, had subsided with little bloodshed, and without devastation; but the insurrection in

October.

Ireland was excited by motives of the most debasing superstition, the most insatiate rapine, and the most inhuman revenge. The English in general were stript and despoiled of their invidious acquisitions; their cattle were seized, and their plantations ravaged; but in Ulster, the defenceless protestants, dispersed and disarmed, were involved in an indiscriminate massacre, or excruciated by the more inhuman tortures of a protracted death. No rank was excepted; no age nor sex was respected or spared. Neither the rites of social intercourse, nor the ties of consanguinity and friendship, afforded protection. Even the dearest connections of nature were dissolved. The son received the same death with the father, for whose life he implored. The supplicating mother beheld her innocent offspring butchered in her arms; and, transfixed by the same stroke, she expired on the body of her murdered husband. Many hundreds were precipitated into the stream, or were inclosed in their habitations and consumed with

[18] Supra, p. 30. Balfour's Journal. Monteith of Salmonet's Hist. p. 79.

flames. Some were buried alive; others, manacled in dungeons, or mangled on the highway, were abandoned by a fate not less cruel, to hunger and despair. A submissive resignation, and a determined resistance, were alike unavailing; the few who ventured to resist were disarmed by a perfidious assurance of safety, and securely murdered. Were not the torments well attested, which an inventive and frantic cruelty delighted to inflict, they might exceed belief; but when children were induced, by a false promise of life, to imbrue their hands in the blood of their parents, when mothers were compelled to destroy their offspring, and wives to assassinate their devoted husbands; atrocities are presented to us which no generation had ever witnessed, and from the recital of which the soul recoils. A horrible devastation, such as the most barbarous nations have rarely inflicted, was excited by innate cruelty, and religious frenzy, and was prolonged by the contagious example of revenge. The women, infuriate from superstition, contributed to stimulate the ferocity of their male associates, and the very children were incited to infant slaughter, and inured to bloodshed [19].

[19] Temple. Rushworth, v. 405. It is observable of Curry and Warner, who endeavour to extenuate, or rather to transfer, the guilt of the massacre to the protestants, that they avert their eyes, on the most frivolous pretexts, from the original depositions preserved in Trinity College, Dublin. Admitting that the Irish were oppressed by Strafford, as I be-

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1641. Scots in Ulster preserved.

When the province of Ulster was transferred to the crown by Tyrone's rebellion, the lands were distributed among private adventurers, on condition that tenants should be transplanted thither from England or Scotland. Whether procured at a cheaper rate, or impelled by a stronger spirit of adventure, the Scots had multiplied from a rapid influx to a number variously estimated at eighty or an hundred thousand of each sex, or at forty thousand fit for arms [20]. The Irish, apprehensive of their numbers, endeavoured at first to secure their neutrality, and, under the pretext of a common origin, they affected to spare and preserve the Scots. But the design to extirpate every protestant intruder was incompatible with their preservation, and, as rigid puritans, they were heretics doubly odious to the catholics, and accursed of God. A short respite had enabled some to withdraw from a devoted country; the rest retired to places of strength for protection; and when exposed, in their turn, to the same sanguinary desolation and massacre, they maintained their situation till relieved from Scotland. But the ill-fated English colonies, unwilling to relinquish, and attempting separately to defend, their habitations, were either expelled from Ulster, or exterminated.

lieve they were, religion or liberty may be too dear, when purchased at the expence of our moral virtues. Curry's Review, and Warner's Hist. of the Irish Rebellion.

[20] Strafford's Letters, ii. 195. Carte's Life of Ormond, i. 177.

BOOK III.

1641. Assistance offered by the Scots. Oct. 28.

When the first information was transmitted to Scotland, neither the magnitude nor the enormity of the rebellion was known. The parliament was informed by Charles, that some commotions of an uncertain extent had appeared in Ireland, but that, unless abetted by the catholics of England, they were neither formidable in themselves, nor likely to be fomented by continental powers. On this occasion, the Scots are represented[21] as indifferent to the remote fate of religion, where no faction or interest contributed to stimulate their zeal. The danger was no sooner discovered, than the parliament offered three thousand stand of spare arms, and an army of ten thousand men for the relief of Ireland; which, if timely accepted, might have proved a sufficient force to suppress the insurrection. But the Scots were destitute of any permanent resources. It was equally difficult, during the winter season, and in a wasted country, to transport or to sustain such a numerous army; and, without the interposition of the English parliament, no provision could be made for its recep-

[21] From an imperfect report in Rushworth of the proceedings of their parliament. On the first imperfect intelligence from lord Chichester, Charles informed them, that, if the insurrection proved, as he thought, but a small matter, then there was little use of their supply. Upon this, the resolution inserted in Rushworth (v. 407.) was adopted. On more complete information from the Irish justices, three thousand stand of spare arms, and eight regiments, consisting of ten thousand men, were instantly offered. Balfour's Journal, MS. p. 128—43.

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tion or support. A regiment of fifteen hundred men, that remained undisbanded, was dispatched to Ulster; but the prosecution of the war, and the succours proffered by the Scots, were referred by Charles to the English parliament, and retarded in consequence of their mutual jealousies.

King's return to England.

As his departure became indispensable, the accommodation was at last concluded; nor, to use the language of the times, were the graces forgotten. Argyle was created a marquis; the lords Loudon and Lindsay were raised to the dignity of earls; and the same rank was conferred on Lesly, who obtained the title of earl of Leven. The promotion of Rothes was intercepted by his untimely death; and Balmerino, as if ungrateful for a life unjustly forfeited, was almost the only person neglected by the king. Episcopal revenues were dispensed with a profuse hand. An inconsiderable portion was reserved for the church, to which he had affected strictly to conform, and was distributed among the clergy whom he wished to conciliate. On the eve of his departure the

Parliament dissolved. Nov. 17.

parliament was dissolved, and another, pursuant to the act for triennial parliaments, was appointed to meet within three years [22].

Review of its transactions.

On a review of this memorable parliament, its transactions are to be connected with those of the tables, and of the two covenanting assemblies, whose lay-members were nearly the same. The

[22] Balfour's Journal, MS. p. 128—43. Baillie, i. 534. Rescinded Acts.

religious grievances from which the resistance of the tables originated, were removed in the assemblies; but the remedy was neither complete, nor of great importance, till civil liberty was established by parliament. The defensive war undertaken by the tables, was resumed successfully under its auspices, and its arms restored the English to their constitutional rights, and returned enriched by their exuberant bounty. Its example was adopted in the restraints imposed on the prerogatives of the crown, and the provisions made for liberty may be estimated from their salutary introduction into the English constitution. Abuses peculiar to Scotland were removed by suppressing the lords of articles, and creating a third estate in lieu of the prelates. But the abrogation of the high commission, the prohibition of arbitrary proclamations, the regulation of the privy council, and the institution of triennial parliaments, were happily transferred into the English constitution; and, while their importance merits our applause and gratitude, may convince us that neither were the principles of political liberty unknown, nor the covenanters immersed entirely in the sordid gloom of religious zeal. The interposition of parliament in the appointment of the judges, and of ministers entrusted with the executive power of the state, has been justly censured, as a measure that served to disarm, and in a manner to dethrone, the king [23]. It was justified then by the laudable and

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[23] Hume, ch. 55.

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patriotic motive of rendering the government independent of the English cabinet; and supported by precedents derived from the variable forms of an unsettled constitution, which was always turbulent, and therefore free. At present it may be explained as little else than a constitutional control on the choice of ministers which resides in the crown. According to the theory of a limited monarchy, an administration not unacceptable to parliament is appointed by the sovereign; but in practice, the harmony between these independent powers proceeds from a different and more ignoble cause. The executive either absorbs the representative and deliberative body, or is itself absorbed. The ministers, on whom the whole executive power for the time devolves, are imposed on the prince, and indirectly created by an independent imperious parliament; or the parliament itself is created by the influence of administration, and retained in a state of absolute dependence on the executive power. But the hereditary and representative orders of the Scottish parliament, intermixed together, and incapable of the nice adjustment of affairs of state, solicited a positive law to secure the necessary existence of a constitutional control. To those already possessed of the whole government, the accommodation appeared rather a dereliction of their actual power, than the acquisition of new immunities; and the security of parliament was therefore demanded for the portion of power which was still retained.

But they neglected to remove the radical defect of their constitution, the assemblage of peers and commons in the same house; without the separation of whom into two chambers, or distinct senates, no constitution is secure against the ascendancy, violence, or corruption of a single order of the state. 1641.

Policy of Charles.

After the depression of the barons in England, while the commons, during the Tudor dynasty, were yet unimportant, there was properly no constitutional control on the crown. But when the commons ascended, in the present reign, to independence and power, the king was unwilling or unable to accommodate his measures to the spirit of the times, and submitted with impatience to a branch of the constitution which he had hitherto despised. His subsequent misfortunes must be deduced from an obstinate, inflexible refusal to resign the administration to the popular leaders, or to receive a ministry from an untractable parliament. A feeble negociation for the introduction of Pym, Hambden, and Hollis into office, had been interrupted by the death of the earl of Bedford; and, from circumstances imperfectly explained by historians, was never resumed [24]. For the preservation of Strafford, he was content to yield to a partial change; but to resign himself entirely to a new administration, imposed by the commons, was a novelty at which his prejudices and his prin-

[24] Clarend. i. 210. Parl. Hist. xii. 382.

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ciples of government revolted. The same constitutional measure to which he had submitted in Scotland was an easy remedy and an obvious satisfaction, ever due to a discontented people. His ministers were driven into exile or displaced; yet when Laud was imprisoned, and Strafford executed, he persisted in governing by means of inferior agents, destitute of energy, or of credit with parliament; and instead of committing the administration to the prevailing party, he endeavoured merely to seduce its adherents.

and of the English parliament.

It is to this mistaken policy that we must ascribe the surviving discontent of the commons, and every subsequent disaster that attended his reign. Their leaders had secretly undertaken to restore the revenue when admitted to power, and even to gratify the king by the preservation of Strafford[25]. Experience sufficiently demonstrates that the prerogative may be safely entrusted to the most popular leaders, who are still careful in administration to preserve their power unimpaired. No doubt can be entertained but that, if once engaged in his service, their councils would have been salutary, and the redress of grievances would have been constitutional and temperate. But when excluded industriously from power and office, they intermingled their private resentment with the public discontent. Distrusted by their sovereign, they naturally distrusted his sin-

[25] Clarend. i. 211—54. Manley's Mem.

curity in their turn. Not satisfied with the redress of grievances, unless their repetition were prevented, they aspired openly to the reduction of those regal powers which were once abused, and which, unless entrusted to their administration, might again be perverted. After an arbitrary reign of fifteen years, the concessions extorted from Charles were deemed insincere, and the constitution insecure, unless the prerogative by which it was invaded were circumscribed and reduced. And we may affirm that his refusal or reluctance to receive from parliament an administration possessed of the public confidence, was no less imprudent, nor less pernicious to his government, than his former aversion to parliaments themselves [26].

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From the imperious disposition, or from the urgent necessities of Charles, the historians of each party have deduced the illegal measures of the former part of his reign. In the same manner they have ascribed the subsequent conduct and violence of the commons, to a just diffidence of the king's sincerity, derived from an intimate knowledge of his character, or to a factious design to subvert the constitution, and to usurp the supreme power of the state. Their distrust might be unfeigned, though groundless; but it is observable that his sincerity may be justly suspected, from the refusal of a popular administration to

[26] See Note VII.

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the English parliament, at a time when the same demand was granted to the Scots. The former was calculated to resume an uncontrolled authority at a more propitious season: the latter was confessedly intended to secure their neutrality, and in the event of a rupture, to obtain their support. Nor was this alone the concealed object of his journey to Scotland. During his residence there, an event occurred, which is styled the Incident, in the history of Scotland, as if a casual event; but when applied to the subsequent transactions of England, it affords, perhaps, a just explanation of his most secret designs.

Incident in Scotland;

Argyle and Hamilton had acquired the principal ascendancy in the Scottish parliament, but the latter declined proportionally in the confidence of his sovereign, and was blamed as over-active in his own preservation. A supposed plot for their destruction was discovered by Hurry, a colonel, on the information of Stewart, a subaltern officer. On repairing that evening to a conference at court, they were to be arrested as traitors by the earl of Crawford, and Cochrane, whose regiment was stationed in the vicinity, and were to be conveyed in close custody to a frigate in the roads, or to be assassinated if any resistance were attempted. They secured their houses that night from surprise. But the alarm next day was increased by the king, who repaired to parliament with five hundred soldiers and armed attendants. Professing, as their followers were numerous and highly

irritated, their apprehensions that a tumult might otherwise ensue, they retired with Lanerk, Hamilton's brother, to his seat at Kinneil. The king complained of the injurious surmises excited by their flight, and until his honour were publicly vindicated, required that Hamilton should be sequestered from parliament: but the estates proceeded with more temper and discretion, to exculpate their sovereign by a private investigation and a public report; and the three noblemen were speedily recalled [37].

BOOK III. 1641.

The incident may appear at first to be little else than a supposititious plot; but from the confession and contradictory declarations of Crawford and Cochrane, the intended arrest of Argyle and Hamilton can admit of no dispute. It was communicated to the lords Ogilvy, Gray, and Almond, from whom the secret transpired, and to Murray groom of the chamber, who had introduced Cochrane to a private audience, and had conveyed three letters from Montrose to Charles, signifying "that he would inform his majesty of "a business that not only did concern his honour "in a high degree, but the standing and footing "of his crown likewise." Hamilton and Argyle had been both denounced as traitors by Montrose, whose intimation of an affair that respected the

Explained.

[37] Burnet's Mem. 186. Hardwick's State Papers. Baillie, i. 330. ii. 299. The objection to a public investigation was that the king's presence would overawe the freedom of inquiry.

BOOK III. 1641.

honour and stability of the crown itself, can admit of no other explanation than their correspondence with the state puritans in England, from which the recent invasion of the Scots had originated. The king had already discovered, and was extremely urgent to procure, lord Saville's forged invitation, which had been deposited with Wariston; and we must conclude, on the authority of Clarendon, that the information for which he was thus solicitous, of a treasonable correspondence between the popular leaders of the two kingdoms, was obtained from the communication which he preserved with Montrose in prison. According to Clarendon, that nobleman, by the introduction of Murray of the bed-chamber, was admitted privately to the king, and informed him of many particulars from the beginning of the rebellion, (to which, as a member of the committee of estates, he, was necessarily privy); asserted and offered to prove in parliament, that Hamilton was not less faulty and false than Argyle; but rather advised that they ſhould both be assassinated, which, with his usual frankness, he undertook to execute. As Montrose was then in prison, the interview was obtained indirectly, through the intervention of Cochrane, but Clarendon's information is otherwise correct. The assassination of Argyle and Hamilton was characteristical of Montrose; their arrest may be ascribed to the importunate zeal of their accusers. No satisfactory explanation was given of the letters, and we must

conclude that the information refused by Waris- 1641.
ton, was procured from Montrose, and on the flight of Argyle and Hamilton, was reserved for the accusation of their confederates in England [28].

Its effects on the English parliament.

On the first notice of the incident, the apprehensions of the leading members in the English parliament were sufficiently revealed. By the sudden impeachment of Strafford, they had prevented an impeachment against themselves, but were again exposed to the same danger, when the particulars of their correspondence, or intercourse with the Scots were discovered by the king. As if their personal safety were endangered, they felt or affected an immediate alarm; and were suspected of a desperate proposal, at their private consultations, to secure the queen and her children as hostages for their preservation [29]. The commons applied to Essex, the general, for a guard. They prepared the memorable remonstrance to Charles, which was presented on his return. Every error and misfortune of his reign was minutely recapitulated; and they recom-

Remonstrance of the commons.

[28] See Note VIII.

[29] Rushw. v. 464. Nalson, ii. 780. From this, and from Clarendon's conversation with Essex and Holland, it would appear that the alarm was serious. Nor can these peers, unless afraid of impeachment, be suspected of a miserable plot to amuse the people with their personal terrors. Cromwell's declaration to Falkland, that he, and many others of his party, would have sold all and quitted the kingdom if their remonstrance had been rejected, is an additional proof of their alarm at the incident, and their mistrust of Charles.

BOOK III. 1641.

mended the appointment of ministers who were not obnoxious or unacceptable to the commons, and in whose councils the parliament might have reason to confide [39]. If its acrimony betrays their extreme irritation, the conclusion sufficiently evinces, that there was still an easy remedy, then indeed unusual, yet strictly constitutional; that the confidence denied to those who had deserted the public cause, and withheld from the servile insolence of archbishop Williams, from the levity of Digby, and the infamy of Saville, was reserved for the unassuming but inflexible virtues of Hambden, the mild integrity of Kimbolton, the sincere and ardent genius of Hollis, and the cool sagacity of the aged Pym. From this period their proceedings became more daring, determined and violent, and their distrust incurable. They foresaw their own destruction in the dissolution of parliament, or in the decay of their popularity, if the royal authority remained entire; and as noise and clamour are the chief instruments of popular assemblies in the acquisition of power, the people were agitated with constant alarms. As an impediment to every reformation, the popish and spiritual lords were excluded from parliament, but their expulsion was effected only by the tumultuous petitions of the citizens, by the indiscretion of the prelates themselves, and by the assault which the round heads, an unarmed po-

[39] See Note IX.

pulace, sustained from the cavaliers, or disbanded officers retained at court. The protestation of the bishops, on which their order was impeached and expelled from parliament, is ascribed to the violence of archbishop Williams; and the king's approbation of it to haste and surprise. The protestation, however, was the same, in effect, with that which the Scottish prelates had formerly prepared and presented by his orders; and as both were directed against the authority of the assembly or parliament from which the prelates were excluded, so the one was calculated to insinuate a secret, and the other to establish a public nullity, and produce a dissolution [31]. Had the functions of the temporal, been suspended by the absence of the spiritual peers, the commons must have been equally disqualified, and the parliament dissolved. When instructed, however, in the inefficacy of the former, that Charles should expect success from the present protestation, must appear the less surprising, as it was succeeded by a more intemperate and fatal measure, the sequel of his late transactions in Scotland, and in the opinion of parliament, the test of his sincerity.

BOOK III.

1641. Protestation of the bishops.

On the application of the commons for their former guard, the king assured them, on the word of a monarch, his favourite asseveration, that there was no cause of apprehension or alarm, for his care should extend to the protection of each mem-

1642. Impeachment of Kimbolton and the five commons

[31] Clarendon, i. 350. Rushw. v. 463.

BOOK III. 1642. Jan. 3.

ber, as much as to the preservation of himself or of his children [32]. The same day was selected to prefer an impeachment of treason against lord Kimbolton and the five commoners, Hambden, Pym, and Hollis, Hazlerig and Strode. Their persons were first demanded by a serjeant at arms. Next day, the king, attended by his guards and retinue, claimed the members in person from the commons; and proceeded to expose his dignity to the contempt of the city, by the same vain requisition at Guildhall. At a time when the violence of parliament began to be generally disapproved, and the tide of popular favour to return to the sovereign, such precipitate measures could be attributed to nothing else than the vain and vindictive suggestions of Digby, and to the counsels, or rather the mandates of the imperious queen [33]. Much allowance is undoubtedly due to the disposition and peculiar situation of Charles, who was impatient of deliberation, hastily persuaded, and eager in his resolves. His situation was exposed to the unremitted opposition of the commons, and his mind, already irritated at their endeavours to circumscribe his prerogative, was peculiarly incensed at the impeachment of the prelates. When every abatement, however, has been made, there remains enough to convince us, that though the

[32] Rushw. v. 471—3.

[33] Clarendon, i. 356. From the same author it appears that Digby had already made such discoveries as satisfied the king. Id. 343.

execution of the measure were prompted or accelerated by the queen and Digby, the design itself had been long entertained. The chief articles of the accusation were the invitation and encouragement given to the Scots to invade England, in order to subvert the fundamental laws and the authority of the sovereign, and to erect a tyrannical power in their stead. We are assured, that the materials of the accusation were procured in Scotland, and we have every reason to conclude that they were obtained from Montrose. The redress of grievances in the former session had excited a deep resentment, and an early resolution to subject its authors, notwithstanding the general amnesty, to an exemplary punishment on the return of power. In addition to the desire of securing the neutrality, or support of the Scots, we must assign, as a motive of the late expedition, the discovery and impeachment of their confederates in England.

explained by the incident.

When the information is once traced to Montrose, the intended arrest, and the escape of Hamilton and Argyle from parliament, the alarm and subsequent violence of the English commons, the impeachment and attempt to secure the persons of their leaders, are intimately connected, and exhibit a series of transactions proceeding apparently from the same cause. The late attempt of the king to seize the five members by surprise in parliament, is almost an exact counterpart to the incident in Scotland. They were both derived from

BOOK III. 1642.

the same discoveries of Montrose, and dictated by the same inconsiderate spirit. The sudden violence of the commons, and the desperate resolution to disarm their sovereign, when contrasted with the temperate and constitutional measures of the former session, must be ascribed to their alarm at the discovery of their correspondence, and their confirmed suspicion that the transient intention to seize Argyle, was a prelude to their own impeachment and punishment. At the conclusion of a former parliament, Hollis and Strode had been imprisoned in defiance of the recent petition of rights, and the former had been severely fined; nor was more lenity, moderation, or justice to be expected if they were again exposed to the resentment of the king. Conscious that their intercourse with the Scots was detected, they must have concluded, when carefully debarred from office, that they were reserved for punishment, and that there was no resource nor security unless the power of the crown were retrenched, and its abuse prevented [34].

But the incident is a key to the transactions,

[34] Hambden, the mild and moderate Hambden, after this accusation, was much altered, says Clarendon.; "his nature and carriage seeming much fiercer than before." ii. 266. A proof of his opinion, in common with Pym and others, (id. 464.) that no farther trust was to be reposed in Charles. And certainly they had reason to conclude, that if their persons had been secured, the parliament would have terminated, like every former parliament of Charles, the first excepted, in their imprisonment and punishment.

and unlocks the secret motives, both of the parliament and of the king. The monarch who descends, after an act of oblivion, to explore the obsolete treason of his subjects, must have meant from the beginning, since he endeavoured afterwards, to avail himself of the discovery. Vengeance, and the resumption of absolute power had been therefore premeditated; and the present was hastily embraced as a favourable opportunity to crush his opponents. Had he secured their persons, the popular favour, which seldom attends the unfortunate, might have yielded perhaps to his proofs of their guilt. But the blow which was levelled at the commons, recoiled on himself. The rupture which he solicited, was improved by his opponents with superior address. The parliament, the city, and the whole nation resounded with breach of privilege. The king, disappointed and disconsolate, retired from Whitehall, to which till a captive he never returned; while the accused members were conducted in real triumph from their asylum in the city, and restored to their seats. BOOK III. 1642.

Relief of Ireland.

It was impossible for the Scots to remain indifferent to the transactions, in which the late treaty might involve the nation. The commissioners for the relief of Ireland offered their mediation, which was resented and indignantly rejected by Charles, but accepted by the commons, and gratefully acknowledged. The relief of Ireland had already been agitated without success.

BOOK III. 1642.

Each party, aware of an approaching rupture, was less desirous to suppress, than to convert the insurrection to its own advantage. The king was desirous to involve the parliament in the management of a war, which might engross all its attention, its troops, and resources. The commons were determined not to deprive themselves or the kingdom of men, but to employ their Scottish auxiliaries in the reduction of Ireland. The offer of ten thousand troops was accepted by the commons, but rejected at first by the lords on a frivolous pretext, that unless an equal number of English were employed, the Scots might appropriate Ireland to themselves. When the succours were reduced to a fourth of that number, the possession of Carrickfergus was refused, and at length reluctantly granted by Charles, whose offer to raise ten thousand volunteers was rejected in return. The commons, apprehensive of their own ruin, were resolute not to entrust him with an army; and each party, rather than surrender an advantage to the other, was content to hazard the loss of Ireland [35].

Militia.

It is not surprising that at this alarming period, the settlement or disposal of the militia was the cause immediately productive of a civil war. The power of the sword, which the commons, on the approach of internal commotions, were ambitious to grasp, the king was determined never to resign.

[35] Burnet's Mem. 189. Nalson, ii. 763, &c. Rushw. v. 498, &c.

According to the common circumstances and course of government, his right was indisputable; and on the supposition that the constitution were secure from danger, the sword deposited with the supreme magistrate was undoubtedly his. On the other supposition, that his mind was still hostile to the constitution, and impatient to revoke the provisions to which his necessities had submitted, the arguments employed by parliament were equally conclusive; and the public safety, as well as self-preservation, required that the military power ſhould be sequestered from the crown. Unhappily for the nation, these conclusions were derived from the uniform experience of his former reign. Yet the question which thus rekindled a civil war in both kingdoms, was the result naturally to be expected from two co-ordinate parts of the constitution; an independent parliament, and a monarch obstinately tenacious of power. His inflexible resolution not to nominate, or rather never to receive a popular administration recommended by the commons, excited, and may still justify the opposition of parliament. A successful opposition can only be exerted by suspending the operations of government, or by divesting the crown of a dangerous, or disputed prerogative; but the first expedient had been tried in vain. Neither the refusal of supplies, nor the unavoidable interruption of public business; neither the urgent situation of Ireland, nor the poverty to which Charles was reduced, nor the distress and

BOOK III. 1642.

danger with which he was surrounded, could surmount his invincible repugnance to gratify the commons, and to introduce the popular leaders into office. When a change of administration and of measures, the cheap and common remedy for public discontent, was thus perversely refused, no alternative remained but to divest the sovereign of the last prerogative upon which he relied. There was then no standing army to be withdrawn from under his command, and dissolved by the refusal of a mutiny bill. But his military authority might be suspended, and the militia might be lodged in secure hands. In these transactions we discover the spirit of later times. We discern the same constitutional spirit, which has been repeatedly exerted to impose a new administration on a reluctant sovereign, or if the refusal of supplies, and a total interruption of government should prove ineffectual, to abridge the secret influence or prerogative of the crown. The progress of parties at different periods is often similar, and the origin of the civil wars admits of a simple and obvious explanation. It illustrates an important political truth, that the balance ascribed to the English constitution is often ideal; and that the executive and legislative branches, which are regarded as co-ordinate and equal powers, cannot long remain independent or divided. The people may choose between a legislature created by the influence, and devoted secretly to the will of the crown, and a representative body emanating from

themselves, and creating the ministry in which the executive authority resides; but if neither of these powers were subordinate, nor disposed to submit to the influence of the other, the ideal balance of the constitution might be preserved in theory, but the state would be undone [36].

BOOK III. 1642.

But the parliament was not without its peculiar fears, to suggest and almost to justify the assumption of the sword. A few days previous to the accusation of the members, the earl of Newport the constable, and Balfour his lieutenant, were removed from the Tower, as attached to parliament, or indisposed towards the king. At the same time the earl of Newcastle was privately dispatched to secure Hull, where the magazines for the Scottish war were deposited; and from the unguarded confession of a similar design upon Portsmouth, there is only one conclusion to be drawn, that a scheme was already formed to preoccupy the three principal fortresses in the kingdom, and to

Apprehensions of parliament

[36] The only constitutional remedy is a dissolution of parliament, which would not have availed, had it been still practicable, unless the king could have governed, as formerly, without parliaments. The same commons, or members of the same complexion, would have been returned by the people. Whoever has remarked the event of a struggle for the ministry, terminating either in the submission of the court to a change, or in a new parliament more devoted to its will, must be sensible that were the king obstinate in the choice of his ministers, the commons popular, and their constituents inflexible, a civil war would inevitably ensue. So true is the constitutional maxim; *ponderibus librata suis*.

BOOK III.

reduce a refractory parliament by force [37]. Arms and a civil war were therefore premeditated, before the impeachment of the five members, or the departure of the queen, with the crown jewels, to purchase ammunition and arms in Holland. On the accusation of the members, and on the first intimation of an attempt to be made upon Hull, the commons anticipated the whole design. They importuned the king for the removal of Lundsford and Byron from the Tower; enjoined the governor of Portsmouth to receive no orders except from parliament; dispatched the Hothams to command at Hull, and revived a forgotten motion, that the militia should be entrusted to lords lieutenants recommended by the two houses, as fit persons in whom they could confide. Their measures were dictated by an intimate knowledge of the king's designs, which the treachery of his confidential servants had disclosed.

1641. not imaginary.

Demand of the militia.

At first they adopted the regular and constitutional mode of petition, to which Charles returned an evasive answer, in order to facilitate the departure of the queen. He declared that he would entrust the forts and militia to persons recommended or approved by parliament, when informed of their names, the extent of their powers, and the duration of their trust [38]. The two houses accordingly presented an ordinance to regulate the militia; and on account of a desperate plot against

[37] Rushw. v. 469. 564. Clarend. i. 382. 418.

[38] Rushw. v. 420.

the commons, recommended a separate list of lieutenants, to continue during their pleasure, and responsible to themselves. The delays, and at length the peremptory refusal of Charles to surrender the militia for a single hour, evinces sufficiently that his former answer was contrived to lull and deceive their suspicions. Had he returned to parliament, an accommodation, in the opinion of Clarendon, was still attainable upon easy terms [39]. Had the militia been granted for a limited period, no cause would have remained for discontent or alarm. A power which parliament had no cause to exert against him, and could not otherwise employ, must, at least on a dissolution, have reverted to the crown. But his resolution was already taken to appeal to the sword. Pacific deliberations were precluded by his concert with the queen, to retire into Yorkshire, and seizing possession of Hull, to await the result of her negociations on the continent [40]. The two houses, on his removal northward, resolved that the kingdom should be put into a posture of defence. On his attempt to obtain admission into Hull, for Portsmouth was already privately gained, their demands increased with their mistrust, and, as announced in nineteen propositions, extended almost to the same concessions which the Scots had obtained. Such was the crisis which each party solicited, to transfer to the other the reproach of

Civil war predetermined by Charles.

[39] Life of Clarendon, i. 109. [40] See Note X.

BOOK III.

commencing hostilities, or of rendering them inevitable; and at Nottingham the royal standard was erected, with circumstances of ominous interpretation.

1642. August 25.

I have endeavoured, in a concise and rapid survey, to illustrate the chief events that preceded and produced a memorable war, in which both nations were equally involved. It appears that Charles, from the very beginning, was adverse and secretly irreconcilable to parliament, whose distrust was excited by the surmise of his intentions, and its violence by the discovery of his hostile designs; that he had determined, recently after the accusation of its members, to resort to arms, to which the departure of the queen, and his operations and progress in the north were directed. That he conceived his prerogative invaded, or his throne endangered by a democratical legislature, is indeed a political cause or excuse for hostilities; but reason and humanity would in vain determine, whether, in a moral view, the king were justifiable, who, in defence of even a just prerogative, has involved his subjects, for whose happiness he was created, in the multiplied calamities of a civil war. We may affirm, however, that, from an exalted idea of the regal character, and from the expectation of a slight resistance, and of success unallayed with excessive bloodshed, Charles engaged with precipitation, and without reluctance, in hostilities with his subjects; that he commenced without hesitation, and renewed with-

out necessity, the war with Scotland; and that he neither studied that sincerity, nor employed those means of conciliation which were requisite to avert the present war. BOOK III. 1642.

Commencement of the civil wars.

Whether from a natural hesitation to commence hostilities, or from inattention to the preparations of a feeble enemy, the parliament, with a superior force at Northampton, neglected to dissipate the few troops that resorted at first to the royal standard. Charles was suffered to retire unmolested to Shrewsbury, to collect his levies, and to interpose, with an equal army, between Essex, the parliamentary general, and the capital. Instead of pursuing an unobstructed march, in order to surprise and crush his opponents in London, he yielded to his nephew prince Rupert's impatience for battle; and each party retreated from Edgehill with equal pretensions to victory, Oct. 23. and almost with equal loss. On the surrender of Banbury, he removed to Oxford, which became the seat of his government, or rather the head quarters of his army, during war.

Death of Hambden.

When the campaign was renewed in the spring, the first events of importance were the reduction of Reading by the parliament forces, and the death of Hambden, who was mortally wounded in an inconsiderable rencounter. The various and enterprising talents of that distinguished patriot were not less adapted for the field than for the senate; and while his personal virtues were acknowledged, even by his enemies, his public spirit,

BOOK III. 1643.

from his first disinterested resistance to ship-money, was the uninterrupted theme of popular applause. Genius and profound sagacity were undoubtedly his. In private, he was temperate, mild, conciliating, and exact in the discharge of every moral duty; in public, he was actuated by an ardent and unsullied attachment to liberty, which was aided by address, perseverance, and eloquence, and embellished by modesty and the most distinguished valour. His vigorous counsels, to march directly to Oxford, and, instead of investing Reading, to reduce the court by a single siege, was rejected by the suspicious caution of Essex; but it would have preserved the parliament from its subsequent difficulties, the nation from the miseries of a protracted war, and the king himself from an untimely end[41].

The defeat of Fairfax in the north, and of Waller in the west, the retreat of Essex, and the reduction of Bristol, presented another fair opportunity of advancing towards a distracted capital. But the parliament was again preserved by the destiny that ever attended Charles, whose arms were diverted by an impulse of sudden indignation to the siege of Gloucester. The approaches were baffled by the skilful defence of Massey; a general assault was repelled by the desperate enthusiasm of the garrison and city, which was reduced, however, to extreme necessity, when it

[41] Clarend. ii. 238—64.

was relieved by Essex. His return was opposed by Charles at Newbury, where, disgusted at the times, or at the royal cause, Sunderland and the virtuous Falkland perished in an obstinate engagement, which remained undecided on the approach of night[42]. BOOK III. 1643.

In the interval between the two campaigns, while the military operations were suspended by winter, commissioners had been sent to Oxford with proposals, that the armies should be mutually disbanded, and the king's presence restored to parliament. As the condition of his recall, they required the militia to be left to the disposal of the two houses; episcopacy to be abolished in all its branches; and ecclesiastical controversies to be determined by an assembly of divines. His proposals were not less unreasonable than theirs. As if to disarm the parliament, he insisted that his towns, revenues, forts, and shipping should be previously restored; and in order to procure from the north the supplies and stores which the queen had imported, he demanded a free trade till the treaty was concluded[43]. But the commissioners did not despair of peace. In their private conferences, Treaty at Oxford.

[42] Clarend. iii. 345—9. Sunderland (Sidney's State Papers, ii. 667.) undoubtedly, Falkland very probably, was disgusted at the royal cause. He was weary of the times, and courted his fate. Unless disgusted at his own party, he had no reason to be dissatisfied at the low state to which the parliament was reduced.

[43] Rushw. vi. 164. Clarend. ii. 193. 215. Whitlock, 64.

BOOK III. 1643.

they entreated earnestly that some satisfactory concession should be granted respecting the militia; and they assured the king, that, on obtaining their only substantial security for the past, the majority in both houses would recede from every religious demand. They requested that an offer should at least be made to restore the office of lord high admiral to the earl of Northumberland, which might serve as an happy expedient to confer the militia, by the king's authority, on persons not unacceptable to parliament. But the uxorious monarch had given a solemn promise, on the departure of the queen, to accede to no terms without her intervention, and to restore no one to favour without her consent. It was previously determined, that since her counsels were represented as hostile to the nation, nothing less than her mediation should procure tranquillity; and we must again conclude, that the war had been concerted before her departure, since peace was not to be restored till her return. It is to this romantic, but inconsiderate and inhuman promise, that the friend and historian of Charles ascribes, in his private memoirs, the continuance of the war, and the king's opposition to a truce, against which he encouraged public addresses, lest a peace should become unavoidable in the absence of the queen [44].

[44] Clarendon's Life, i. 149—57. Compared with his account of the same transactions in his history (v. ii. 225.) his private memoirs exhibit a curious example of the difference between secret and apologetical history.

1643. Mediation of the Scots;

The province of mediation belonged properly to a sister kingdom, exposed to the same danger, and united under the same monarch, by the ties of a similar religion and language. The Scots were neither indisposed nor slow to mediate; but each party was desirous rather of their aid than of their intercession. On the first offer of their mediation, Loudon the chancellor had been dismissed by Charles, with instructions to impress the council with an adequate sense, and to procure an ample declaration of his wrongs. His disappointment must have been great indeed, if assistance, or even if a cold neutrality were expected from the Scots. Their national interest induced them to mediate, or if that were ineffectual, to cooperate with their recent benefactors and allies. Their enthusiasm to propagate abroad the ecclesiastical discipline and worship which they had restored at home, coincided with their interest. The representations of Charles were opposed by those of the English parliament; his friends were out-numbered; and as a declaration favourable to his cause was refused, the interposition of the privy council was delayed at his request [45]. Anno 1642, May. Dec. 1642.

When hostilities had commenced in England, and an army was collected on the borders by the marquis of Newcastle, offers of mediation were renewed by the council, and by the commissioners whom the late parliament had appointed for the

[45] Burnet's Mem. 194. Baillie, i. 334—7. Guthry's Mem. 116.

BOOK III. 1643.

conservation of peace. A committee was selected to proceed to Oxford, where their mission was unwelcome, and their reception ungracious. They were instructed to persuade the two houses to recall the king by concessions satisfactory to his dignity and at the same time not injurious to their liberties; to prevail on the king to comply with their invitation, and to return to his capital; but if it were impossible to prevent hostilities, they were then directed to require a parliament for the security of Scotland. Their intercession, however, was again declined. Their powers were questioned, to interpose in the internal dissensions of England, as conservators of peace between the two kingdoms. From their importunate demand of religious conformity, they had few pretensions to the character of impartial umpires; and a passport to renew their mediation in London, was considered as too dangerous to be granted; a parliament was an instrument too formidable to be obtained. The commissioners, whose letters were intercepted, and whose persons were reviled and threatened by the royalists, were recalled in disgust [46].

declined.

Convention of estates.

Instead of a triennial parliament, which it was impossible to anticipate, a convention of estates was summoned by the council and conservators of peace. Examples had occurred, even since the accession, of conventions held without a warrant

[46] Crawford's Hist. MS. vol. i. p. 182. Burnet's Mem. 216. Baille, i. 359.

from the king. Unable to prevent the present convention, he endeavoured to limit its powers to the consideration of supplies for the army in Ireland. But the estates declared themselves a free convention. While the prudent Hamilton, protesting temperately against their authority, withdrew with his brother, they assumed, in conjunction with the general assembly, the unobstructed management of the church and state. The object of their assembling was soon announced, by their impatient expectation of commissioners from England [47].

BOOK III. 1648. June 22.

On the defeat of Fairfax, and the triumphant progress of the royal arms, the parliament of that kingdom was reduced, by its desperate situation, to the necessity of imploring the fraternal aid of the Scots. Sir William Armyne, Hatcher, Darley, and the younger Vane, were with Marshal a presbyterian, and Nye an independent clergyman, dispatched as commissioners to the convention and assembly, in order to solicit immediate succour, and to unite the two nations in the work of mutual reformation and defence. According to the late treaty, no war could be declared in either kingdom against the other, without the previous consent of parliament; but at the same time, reciprocal assistance to prevent invasion, or to suppress internal insurrections, was due to the parliament of each state. On the first article the king required the neutrality of the Scots; on the

Interest and policy of the Scots.

[47] Burnet's Mem. 234.

BOOK III. 1643.

second, the parliament claimed their assistance. From the extreme and urgent danger of the two houses, a safe neutrality, had the Scots been desirous to observe it, was no longer politic, nor even practicable. If the parliament were once dispersed or reduced by arms, the liberties of England would remain entirely at the king's disposal, and after the event of the first pacification, it was impossible for the most credulous to believe that the settlement of Scotland, to which he had acceded with such reluctance, would continue long unrevoked. At the head of a victorious army, his past assurances would afford no security for concessions adverse to the dictates of his conscience, which resisted the abrogation of episcopacy in England, and irreconcilable to those of policy which, if the English were subdued, required that the freedom and presbyterian spirit of Scotland should be removed from their view. His concessions were granted from necessity, to subsist for a time till the commons were suppressed in England; and from the motives, as well as from the consequences of an obvious policy, there arises a better proof than any historical assurance can furnish, that they were to be resumed on the eventual success of his arms. No sooner, therefore, was the mediation of the Scots prohibited, than the danger of the English parliament created a common cause, which was cemented by the apprehensions of the chief covenanters for

1643. Their danger from the war.

their personal safety, if ever exposed to the vengeance of the king[48].

To those imperious considerations, others of a subordinate nature must be added. From the vicinity of the marquis of Newcastle's army, the war was likely to be transferred to the north of England, and which party soever should obtain possession of Carlisle and Berwick, a national force would be requisite on the borders, in order to prevent depredations, and to preserve the southern counties from contribution. When the necessity of an army was once admitted, there were few internal resources for its subsistence. The brotherly assistance was intercepted by the war, and no alternative remained but to march into England, and to co-operate either with the parliament or with the king. The alternative was recommended to military men by the free quarters which they had enjoyed in the late expedition; and to the decayed nobility, by the competition for their aid. The most prodigal of-

[48] Clarendon, ii. 66. He confesses (vol. v. p. 113—114.) "That the Scots, after their first rebellion, might well expect to be called to an account hereafter, if those whom they had provoked, had retained their interest and credit about the king. But that they were suborned to engage in the civil wars, when their true interest consisted in adhering to the king, when he was in a hopeful way to reduce the English rebels by force of arms." The first part of this quotation destroys the other; it justifies their apprehensions and indicates too clearly their true interest; not to suffer the English parliament to be reduced by force of arms.

BOOK III. 1643.

fers were made by Charles, through the intervention of Hamilton, as the secret price of their loyal support. It is said that every third office at court was to be conferred on a Scot; that the counties of Northumberland, Cumberland, and Westmoreland, were to be re-annexed as an ancient conquest, or inheritance to Scotland; that the seat of government was to be transferred to Newcastle, and the court of the young prince to be established at Edinburgh. Such extravagant proposals were never meant to be fulfilled. They were counteracted by the recent discovery of more dangerous intrigues. The earls of Montrose, Aboyne, Airley, and Nithisdale, had concerted with the earl of Antrim and the queen at York, that the Macdonalds should take arms in the Isles, and the Gordons in the North; and with the highland clans who retained their loyalty, overwhelm the covenanters while unprepared for defence. Antrim, attempting to land at Knockfergus, was surprised by the Scots. The correspondence found on his person revealed the conspiracy, and gave the first intimation of the king's intentions to procure a *cessation* with the Irish catholics, in order to transport their arms into England. The horror and alarm which the discovery excited, served to accelerate an union between the parliament and the Scots[49].

[49] Burnet's Mem. 212—35; History, i. 47. Baillie, i. 364—71.

1643. Solemn league and covenant.

But the Scots, as if motives of sound policy were insufficient for their vindication, aspired to a spiritual and more suspicious object. The divine light extracted from the gospel was too precious to be confined, or too copious to be contained, within a single kingdom; and to the benefits already derived or expected from their arms, they proposed to add the inestimable gifts of a pure faith and a primitive worship. The English would have been satisfied with a civil league. The Scots demanded a religious covenant, without which, in an age addicted to the covenants of works, of grace, mediation and redemption, the bonds of national alliance, and even of social intercourse were deemed insecure. A SOLEMN LEAGUE AND COVENANT was accordingly prepared. But the Scots were desirous to exclude, the English commissioners to preserve the independents in the reformation of the church [50]; and it is to the artifice of Sir Harry Vane, that historians ascribe an ambiguous declaration ultimately favourable to that rising sect. The reformed religion was to be preserved in Scotland; but the reformation of religion was to be accomplished in England and Ireland, "according to the word of God, and the "example of the best reformed churches;" and as hypocrisy was the prevailing vice of the times, each party, actuated by religion, acted with profound dissimulation to over-reach the other. The

[50] Burnet's Mem. 382.

BOOK III. 1643.

English secretly confided in a *reformation according to the word of God*, as a barrier against the encroachments of presbytery. The Scots relied on a *reformation according to the example of the best reformed churches*, conjoined with an obligation to promote the religious conformity of the three kingdoms, as a full assurance that their beloved presbytery would be introduced into the English and Irish churches, since it was to be preserved in their own. The next article was alike equivocal; the present episcopal government was to be abolished, without abjuring the hierarchy as the Scots required. But the puritans were themselves divided. Some were urgent for the removal of prelacy, *root and branch*; others were desirous of a temperate form of episcopal government; and from the connivance or acquiescence of the Scots, the obligation was framed with a studied ambiguity, in order to receive its interpretation from the prevailing sect [51]. The remaining articles contained additional engagements, to preserve the rights and privileges of either parliament, the liberties of each kingdom, and the authority of the sovereign when exerted in defence of these, or of the true religion; to discover and to prosecute incendiaries and malignants; to observe a firm concord between both nations; and to adhere to the mutual defence of the subscribers, without division, defection, a base neutrality, or detestable indifference. The whole was confirmed by a solemn oath, con-

[51] Burnet's Mem. 240.

cluding, in a strain of contrite humiliation, with an ambitious prayer, that other churches, groaning under antichristian tyranny, might accede to the league. BOOK III. 1643.

Such were the terms of the SOLEMN LEAGUE AND COVENANT; an obligation long revered by the nation, and still preserved by a very numerous sect. It is memorable as the first approach towards an intimate union between the kingdoms, but a federal alliance, according to the intolerant principles of the age, was constructed on the frail and narrow basis of religious communion. It was received in the convention with exultation, and in the assembly with enthusiastic tears, as a new dispensation of divine authority. It was ratified by both without a single dissent, and transmitted by a select committee, to the parliament and assembly of divines at Westminster [52]. There it was received with the same applause; confirmed and sworn by the lords and commons; enforced by penalties in each parish; tendered to every congregation on Sunday; and ordained in both kingdoms to be universally subscribed. Its political importance was soon announced, by a treaty with the convention for an immediate aid of twenty-one thousand horse and foot; to be retained at the rate of thirty thousand pounds a month, in the service of England. The army was to remain under its own generals, and to receive orders from a committee of both kingdoms. No treaty

Its reception in both kingdoms; Aug. 11. and effects.

[52] Burnet's Mem. 240. Baillie, i. 341.

BOOK III. 1643.

nor terms of peace were to be negociated without the concurrence of the Scots, who engaged the public faith to evacuate England at the conclusion of the war [53].

Desperate counsels of Montrose.

The disadvantages sustained from the covenant, were in some measure counterbalanced by the *cessation* in Ireland, from which the king had long proposed to withdraw his troops. But his friends in Scotland were reduced to utter despair. The cautious and refined politics of Hamilton had failed; and nothing but the desperate counsels of Montrose remained. A massacre of the chief covenanters was projected; but when the royalists assembled under the pretext of attending the countess of Roxburgh's funeral, their numbers were too inconsiderable to attempt an enterprise, and their mutual jealousies prevented an union.

Hamilton arrested at court.

The marquis of Hamilton was arrested on his return to court, and accused by Montrose of an uniform, and treacherous connivance with the covenanters, in order to promote his own ambitious pretensions to the crown. The charge was obviously false and malicious; for a timid or prudent moderation was his only crime. His brother, the earl of Lanerk, escaped from Oxford, but the marquis was imprisoned for two years and a half, in the castles of Pendennis and Mount St. Michael; nor was he released till their surrender to the parliamentary forces [54].

[53] Rushw. vi. 475—85. [54] Burnet's Mem. 247—50—69.

THE

HISTORY

OF

SCOTLAND.

BOOK IV.

Second Expedition into England.—Military operations.—Exploits of Montrose.—Treaty at Uxbridge.—Independents.—The assembly of Divines.—Battle of Naseby.—Victories—and defeat of Montrose.

IT was a misfortune peculiar to the age, and the cause of miseries to each nation, that liberty was not a pure and unmixed flame; but was fed, and at length gradually contaminated by the spirit of religion. An alliance was requisite with the English parliament, on the common principle of self-preservation; but the limits of moderation and prudence were overstept by intolerant zeal, the distinguished attribute of an established church. A new order had arisen, more austere and furious than the older clergy. The chairs of theology and philosophy were appropriated in the universities to such teachers as Rutherford, Blair, Gillespie, Cant, whose faith and violence were at

BOOK IV.

1643. Increase of fanaticism.

BOOK IV. 1643.

least equal to their literature; and the younger clergy, confirmed by their instructions in the national covenant, improved upon the fanaticism of their elder brethren [1]. Their assembly, from the frequent attendance of the nobility, had acquired an undue influence in the state, and their characters a dangerous ascendency over the nation. The enthusiasm of the people had increased with theirs; and in the memorable institution of the solemn league and covenant, the principles of sound policy were at once confessed and forgotten. If content with the honourable situation of allies, and the merit of contributing a timely assistance, the Scots had abstained from the religion and internal regulation of England, their moderation and their arms might have rendered them fit umpires between the parliament and the king; might have secured their share of commercial advantages, and have averted every subsequent calamity which their country sustained, but they engaged as principles instead of allies. They are accused of converting their aid into a religious crusade; and are described as marching like the disciples of Mahomet, with the sword and the covenant in either hand. A religious mission was indeed superadded to a military expedition, and in the prosecution of this double object, their commissioners were sent to the assembly of divines. The religious mission was protracted upwards of four years; but our attention is first

[1] Guthry's Mem. p. 63.

due to the superior importance of their military transactions.

1643.

The situation of Charles may enable us to estimate the importance of their aid. His forces occupied the western and the northern counties, and, with the exception of Gloucester, his garrisons extended from Plymouth to Hull and Berwick, almost the only cities in the west and north which the parliament retained [2]. The Irish cessation had already furnished supplies, and promised inexhaustible resources of men. His forces were numerous; and, if the marquis of Newcastle had been permitted to advance from Yorkshire, might have closed and surrounded the parliament in its turbulent capital. With Ireland at his devotion; with one half of England already in his possession, and with five armies under his command, his strength was obviously superior, and the contest was too unequal to be maintained by parliament, till the Scots threw their arms into the scale, and restored the balance.

Situation of Charles.

That nation was generally united under the new covenant, which had been propagated with emulation by each presbytery, and universally subscribed. The towns were unanimous: the western and southern shires were the most ardent and devoted; the midland counties were less attached to the cause [3]. It was supported by powerful clans in the north. From the influence of their

Of the covenanters.

[2] Clarend. Hist. ii. p. 397. [3] Guth. Mem. 146.

BOOK IV. 1644.

chieftains, however, a portion of the Highlands remained disaffected, and a dark cloud impended over the mountains, ready to burst with desolation on the plains.

Their expedition into England.

Such was the ardor or impatience of the Scots, that, in the expectation perhaps of surprising Newcastle before it was fortified, they prepared to march in the depth of winter. An army of twenty-one thousand men was collected at Berwick, under old Lesly, earl of Leven. On his promotion to that title, he had promised never to employ his sword against his sovereign again; yet, whether on the express or tacit reservation of religion and liberty, he did not hesitate to resume the command. Baillie was appointed his lieutenant-general, and David Lesly his major-general; the regiments were mostly commanded by the nobility or principal gentry; but the subordinate officers had earned their experience and reputation abroad. During a severe frost and a deep snow, they crossed the Tweed in the beginning of the year, under the direction of a committee of both kingdoms. Their artillery and provisions were transported by sea; but their march was retarded by the rigour of the season; and, before their arrival at Newcastle, the town was garrisoned, and secured from assault. After an ineffectual summons, they passed the Tyne, and were opposed at Sunderland by the marquis of Newcastle; but, as neither chose to descend from a secure position to a disadvantageous attack, he retired to Durham, to which

they extended their quarters from the coast. Their progress was arrested by the want of provisions; and, expecting the co-operation of a parliamentary army, they were unable either to quit the coast, from which they derived supplies, or to advance into the country while inferior in horse[4].

Siege of York.

The regiments which Charles procured from Ireland had reduced some fortified places in Cheshire, and invested Namptwich, which Sir Thomas Fairfax advanced to relieve. From the presumptuous confidence of the enemy, the careless security of Byron, their commander, and a sudden torrent which divided their forces, he obtained a distinguished victory; a thousand prisoners were taken, and the Irish army was ruined and dispersed. On rejoining lord Fairfax, his father, they defeated Bellasis, who was stationed at Selby, to observe their motions, and made the general prisoner, with half his troops. These spirited successes, occasioned by the absence of the marquis of Newcastle, recalled his army to the defence of York. His march was harassed by the pursuit of the Scots, and, on their junction with Fairfax, the siege of York was commenced. But their united arms were insufficient to invest a city intersected by a river, and provided with a bridge to transport its numerous cavalry to either side; and until the arrival of the earl of Manchester (the late lord Kimbolton) with an army levied in

[4] Baillie, i. 391. 445. Clarend. ii. 477. Rush. vi. 604.

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the counties associated round the capital, the siege was distinguished only by slight rencounters, and a partial blockade.

raised by prince Rupert.

On the approach of prince Rupert, who had been dispatched to the relief of Newark upon-Trent, and with an army rapidly augmented in its progress to eighteen thousand, advanced to York; the three generals, Manchester, Leven, and Fairfax abandoned the siege, and prepared for battle on Marston-moor. But the prince, interposing some cavalry to conceal his motions, crossed the Ouse, and, by the intervention of that river, conducted a train of military stores and provisions in safety to the besieged. Had he remained content with this signal advantage, by relieving the city in the presence of a superior army, without a battle, he might have ranked among the first generals whom the war produced. Enough was done for his own honour, and the service of the king; but the marquis of Newcastle in vain represented, that his forces would increase from a short delay, while the enemy might be expected to dissolve or separate from their mutual animosities, and from the dissensions incident on every disappointment to confederate arms. Deaf to every suggestion but his own courage, his rash and imperious spirit rejected the advice. Without consulting with Newcastle, or awaiting a large reinforcement expected from the north, he assumed the command of the garrison, and issued orders for battle next day.

1644. Battle of Marston-moor.

The Scottish and parliamentary forces had despaired of the siege, and begun in the morning to retire to Tadcaster, in order to intercept his return, when their van was recalled by the appearance of his cavalry on Marston-moor. The day was consumed in preparation for battle, as the prince expected a part of the garrison, and his opponents the return of their artillery and foot. His forces occupied the moor, while theirs extended along the adjacent fields, and as their respective numbers were nearly equal, historians have not failed to observe, that fifty thousand British subjects were arranged for the first time, within the space of a century, for mutual destruction [5]. A bank and ditch intervened between the armies, and after an ineffectual discharge of artillery, a profound and mutual silence ensued, as each side remained in awful expectation of the other's attack. The signal was given in the evening. The mound was surmounted by Cromwell and David Lesly, whose cavalry, after an obstinate encounter, broke through and dispersed the right wing, which prince Rupert commanded, and a part of the centre, where the marquis of Newcastle's regiment of infantry perished gallantly in the ranks which they preserved. In the other wing, the attack was begun by the younger Fairfax; but his horse, recently levied, were disordered by furze and ditches during their approach.

[5] Baillie, ii. 86.

BOOK IV. 1644.

They were broken by Hurry's irresistible charge, and while their commander penetrated with a few troops through the adverse wing, they returned, hotly pursued, on their infantry, and on a reserve of Scots, whom they trampled down, or dispersed in their flight. The contest was still equal, and the victory belonged to those who could best improve their respective advantages. The royalists advanced to increase the confusion occasioned by their horse; but while they penetrated to the baggage, which they were ready to seize, Cromwell and Lesly returned to restore the battle after a short pursuit. The situation of the two armies was now altered; and with their fronts reversed, each prepared, on the ground which the other had occupied, to regain a battle which both had regarded as already won. The action was fierce, obstinate, and bloody, but short and decisive; the royalists were driven from the field, and entirely overthrown. Their artillery, carriages, and ten thousand stand of arms were lost; fifteen hundred were taken prisoners, and four thousand expired in the field. The independents appropriated to Cromwell, and the presbyterians to Lesly, a victory, of which the merit was equally due to both; to Cromwell's *iron* brigade of disciplined independents, and to three regiments of Lesly's horse [6].

[6] Rushw. vi. 634. Fairfax Mem. Cromwell is accused by Hollis (Memoirs 15.) of cowardice, in retiring from the field on account of a slight wound. The same charge is repeated

1644. Surrender of York.

Such was the first signal victory obtained in a war, in which the armies never encamped or entrenched in the open fields, nor solicited the advantages of defiles or rivers; but rushed to battles where chance or valour predominated almost always over military skill. The dissensions which it excited were not less disastrous to the royalists than the defeat itself. Prince Rupert signified, that he meant to leave the county next morning, the marquis of Newcastle replied that he meant to quit the kingdom; and on these abrupt intimations, the one retired into Lancashire with his shattered forces, and the other withdrew with his friends to the continent. The parliamentary generals returned to the siege of York, which surrendered on the eve of a general assault. Instead of advancing southward, the victorious armies were directed to separate. Fairfax remained in Yorkshire, and detached his cavalry in pursuit of prince Rupert. Manchester's army was withdrawn for the protection of the associated counties; and the Scots returned to the siege of Newcastle, where the earl of Callender had arrived with the reserve of their army, and renewed the blockade [7].

by Baillie (Let. ii. 36. 49); and from Salmonet's information, it is probable that he retired from the second conflict to have his wound dressed, while his brigade was led by Crawford or Lesly to the charge. Salmonet's Hist. 160.

[7] Baillie, ii. 37. 47. Whitlock, 92.

BOOK IV. 1644. Campaign in the west and south.

The campaign in the west and south exhibited frequent vicissitudes, favourable alternately to the parliament and to the king. Hopton attempted to enter Sussex, and break the southern association of counties, but was defeated by Waller, whose army, reinforced from the capital, was dispatched to Oxford, to co-operate with Essex, and by the reduction of that city, to conclude the war. Waller had already crossed the Isis above, and Essex the Thames and Charwell beneath the city, which was almost invested, when the king was extricated from between their armies, by a secret and nocturnal march towards Worcester. Oxford, when it ceased to contain his person, was no longer an object to retard their arms. Essex preferred an expedition into Cornwall, against prince Maurice, and assigned to Waller the pursuit of the king. The Severn was interposed between the two armies. The king directed his march to Shrewsbury, to which Waller hastened to prevent his designs; but retracing suddenly his former steps, he rejoined the remainder of his foot at Oxford, and returned on his pursuer with additional strength. They met, but the Charwell intervened. A large detachment, which had forced a passage at Cropredy bridge, and attacked the royalists, was repulsed with such loss that Waller, stunned and disabled by the recall of his London auxiliaries, permitted Charles to march in pursuit of Essex, and to relieve prince Maurice, oppressed by his

arms. That successful caution, which the sense of danger had at first inspired, was prolonged by intelligence of prince Rupert's defeat; and in a campaign where military skill was requisite, the superiority of Charles, whether due to his own or to Ruthven his general's address and talents, was never more conspicuous. Essex's forces were inclosed in Cornwall, and overpowered by the united arms of Grenville, prince Maurice, and the king. Abandoned by their general, who withdrew in a boat to Plymouth, and deserted by their horse, who escaped by night through the enemy's lines, the infantry were compelled to deposit their arms, and to surrender their artillery and baggage, for permission to depart. But success was still productive of some dangerous mistake. In disarming troops, who submitted almost at discretion, Charles, by a strange improvidence, neglected to stipulate that they should not serve against him within a limited time [s].

1644.

Second battle of Newbury.

Nothing less than the vigour inherent in popular assemblies could have enabled parliament to surmount this disaster. Within six weeks the troops were recruited, armed, and equipt anew. When reinforced by Manchester's and Waller's armies, the generals were exhorted to resign their animosities; and the two houses, however displeased at an expedition undertaken against their orders, assured Essex, that their good opinion of

[s] Rushw. 654—71—98. Clarend. ii. 488—92. 501—25.

BOOK IV. 1644.

his merit and fidelity continued unshaken. But it appears that Essex had begun to despair of the public cause [9]. At the second battle of Newbury his troops retrieved their lost honour, and embraced with transport a part of their lost artillery, which they had recovered by a desperate charge. But the united armies were commanded by Manchester, and the king, oppressed on his return, and almost overpowered by superior numbers, was preserved from destruction by the descent of night. His ordnance was deposited in Denningtón castle, as he continued his precipitate retreat to Oxford; but within a few days he returned, reinforced by prince Rupert's arrival from the north, and in the presence of a victorious army, withdrew his artillery, and distributed his troops into winter quarters.

Newcastle besieged;

The northern army had been employed in reducing some fortified places in Cheshire and Lancashire. The Scots were occupied with the siege of Newcastle, the possession of which was not less useful, to preserve their communication open with Scotland, than necessary for the relief of London, which the scarcity of fuel had already reduced to extreme distress. An obstinate defence was maintained by Morley the governor, and the subterraneous approaches of the besiegers were almost countermined, when their mines were hastily sprung, and the town was taken by a des-

and stormed by the Scots.

[9] Rushw. 708—19, 20. Whitlock, 103.

perate assault. Their loss was considerable, yet such was the excellence of their military or religious discipline, that no cruelty, rapine, or lust was indulged; and the town was redeemed from pillage by an equitable ransom, when taken by storm. The castle surrendered at discretion; Tinmouth castle capitulated; and Musgrave and Fletcher were defeated in Westmorland, and their forces dispersed by Lesly during the siege [19]. But the war, when extinguished in the north of England, was suddenly rekindled, and blazed in Scotland with the most destructive rage. and stormed by the Scots.

There it required the genius of Montrose to restore the royal cause, and to excite its desponding adherents to arms. Disgusted alternately at the court and at the covenant, his spirit, indignant at the disgrace of imprisonment, was fixed irrevocably in its last resentment. His sword was secretly devoted to the king, and the covenanters in vain endeavoured to regain a nobleman, whose irregular heroism they had reason to dread, but, in a fanatical age, were unable to appreciate. His ardent genius, unqualified for the nice adjustment of civil affairs, but keen, indefatigable, and undaunted in misfortune, exhibits the most opposite extremes of character; at once magnanimous and jealous, violent in his suspicions, and unjust in his resentments; frank, yet not incapable of dissimulation when requisite; generous, though destitute Montrose. His character.

[19] Whitlock, 99. 104. Rushw. 845. 770.

BOOK IV. 1644.

of humanity, nor scrupulous of the means to accomplish his designs; condescending, courteous, and affable to inferiors; impatient of his equals, conscious of worth, and, from the persuasion of an innate superiority, destined by nature for the most romantic exploits. To a man ambitious only of a field for the acquisition of military renown, the most desperate enterprises were recommended by their danger. The design which Hamilton had overruled was resumed in circumstances of greater difficulty, but with a fairer prospect and chance of success. The officers accustomed to service, and the soldiers inured to discipline, were removed from Scotland; and how difficult soever it might be to regain or preserve the country, a powerful diversion might at least be effected. The plan was concerted at Oxford, that the earl of Antrim should supply Montrose with two thousand Irish, to be transported from Ulster to the coast of Argyle; and from the affinity of language, manners, and origin, they were expected to be well qualified to co-operate with highlanders [11]. The necessities to which Charles was reduced were undoubtedly great; yet, amidst the fury of civil dissensions, if the laws of war are silent, those of humanity should still be respected. When the horrors of the Irish massacre are recollected, no extremity can justify the introduction of native Irish, nor enable us to discriminate such

[11] Clarend. State Papers, ii. 166.

an expedient, from the employment of savage tribes, and the use of the knife and hatchet in our civil dissensions. BOOK IV. 1644.

Montrose was unsuccessful, however, in his first attempt. With a few troops collected in Westmorland, he erected the royal standard at Dumfries; but on the approach of some Scots, the mutiny and desertion of the English obliged him to retire. The adherents of Huntley, instructed to take arms, dispersed on his retreat, and after an ill-concerted insurrection, that feeble nobleman fled unattended to the remote wilds of the north. No blood had been shed in England, except in the field; and hostilities had been conducted there, with the generosity peculiar to civilized nations, and with a courtesy rarely experienced even in external wars. But when the first triennial parliament met in Scotland, Gordon of Haddow, a man obnoxious from his oppressions, was convicted of a treasonable insurrection with Huntley, and in order to infuse a salutary terror into the royalists, was inhumanly executed. Excommunications were freely launched at the other insurgents; but the sacred artillery of the church is innoxious, unless when supported by the sword of perverted justice [12]. At first unsuccessful.

Without troops and without resources, Montrose prepared for a new expedition, and accom- Returns alone to Scotland.

[12] Guthrie's Mem. 129. 158. Spalding, ii. 220.

BOOK IV. 1644.

panied only by two attendants, passed the borders disguised as their groom. On the fourth day he arrived at a vassal's house in Strathern, situated on the confines of the highlands, and at the foot of the Grampian hills. His companions were dismissed to summon his adherents, or to procure intelligence, and he lurked alone, concealed all day in a cottage, or wandering by night among the hills, till an obscure rumour announced the approach of his Irish auxiliaries. Fifteen hundred, after ravaging the northern extremity of Argyleshire, had landed at Sky, and traversed the extensive range of Lochaber and Badenoch, uncertain of their general's approach, and of their own destination. On descending into Athol, they were surprised at his unexpected appearance, on foot, and in the garb of a mountaineer, with a single attendant; but his name was sufficient to rouse the highlanders, and to increase his diminutive army to three thousand men. It was necessary to lead them to immediate action, as Argyle was behind in pursuit of the Irish, and lord Elcho was stationed at Perth, with six thousand six hundred horse and foot, hastily drawn from the adjacent shires. An engagement with the latter was preferred, as the acquisition of Perth was the prize of victory, and the hills were not distant to secure a retreat. The Irish were unused to the pike and unprovided with swords; but it appears that they had served in the Irish army, and were trained to the mus-

Joined by the Irish and highlanders.

ket, if not inured to discipline [13]. The highlanders were accustomed to neither; but they possessed a vigorous arm, their paternal swords, the native valour of their mountains, or rather the warlike habits which a rude and predatory state of society inspired. The former were arranged in the centre, the latter on the flanks, as better armed to resist the impression of the horse. The enemy expected their descent at Tippermuir, and after an unsuccessful rencounter, the horse, if we can believe the fact, were repulsed and routed by a shower of stones. On obtaining the advantage of the ground, Montrose let loose his whole army, and staked the fortune of the day, a signal victory, or an irretrievable defeat, on its furious assault. The covenanters were assured by their preachers of success; but unable to withstand the broad and ponderous swords which the highlanders wielded in close encounter, their tumultuary forces were broken and overthrown by an irregular charge, which the most disciplined troops have not always sustained. Three hundred were slain in the pursuit; the artillery and baggage of the vanquished were taken, but we are required to believe that

Defeats the covenanters at Tippermuir,

[13] They consisted of Antrim's tenants and servants, disbanded by the Irish insurgents as averse from the cessation, or desirous to renew the war. Macdonald of Colkitto, their commander, had been engaged in the Irish insurrection at an early period. Carte's Life of Ormond, i. 480.

BOOK IV. 1644.

the victory was atchieved with only two wounded, and without the loss of a man [14].

The fruits of the victory were the surrender of Perth, and the acquisition of clothing, ammunition, and arms. Montrose was joined by the aged earl of Airley, his sons sir Thomas, and sir David Ogilvy, the lords Duplin and Spynie with their adherents, and friends. On Argyle's approach he was compelled to abandon Perth as untenable, and to march northward in expectation of being reinforced by the Gordons. Lord Burleigh and Lewis Gordon, one of Huntley's sons, attached from policy or inclination to the covenant, were stationed with two thousand seven hundred men at the bridge of Dee; but Montrose had crossed at a ford above and descended on their flank. Their cannon might have suspended the victory, had not Gordon imprudently advanced to the charge; and our belief is again exacted to the defeat of a body of five hundred cavalry, by forty-four horsemen traversing alternately from wing to wing. The Irish quitting their muskets, and the highlanders resuming their targets, rushed forward from their ranks; and their fierce onset precipitated the enemy into an ignominious flight. The pursuit continued to the gates of Aberdeen, where the victors entered with the vanquished and renewed the

and at the bridge of Dee.

[14] Wishart's Hist. of Montrose. Spalding, ii. 215—32. Guthrie's Mem. 162. Monteith of Salmonet's Hist. Manuscript quoted in Adamson's Threnodia, republished at Perth.

slaughter. That unfortunate city, which Montrose had formerly oppressed as disaffected to the covenant, was abandoned to the unrelenting rage and rapacity of the Irish. They first stript and then murdered the citizens, to preserve their clothes unspoiled; the women durst not lament their husbands or their fathers slaughtered in their presence, nor inter the dead, who remained unburied in the streets till the Irish departed. The simple unsuspicious narrative of a loyal citizen obliterates the praise of clemency bestowed on Montrose, by historians who have delineated his exploits with the most romantic exaggeration [15].

1644. Sacks Aberdeen.

On the fifth day his troops were recalled from the pillage of the town, as Argyle advanced with a superior force. To procure the accession of the Gordons, he retreated northward, towards the Spey, but the aid on which he relied unexpectedly failed. His expedition under the covenant was remembered by Huntley, and his violence to their chieftain was resented by the clan. The opposite banks of the Spey were guarded by the whole force of the province of Murray; and with a rapid river impassable in front, with Argyle, whose force was superior, on his rear, no refuge nor retreat but the mountains remained. His artillery was buried in a morass; and he continued to ascend the stream, till the forests of Strathspey, and

His rapid marches.

[15] Spalding, ii. 234—7. Wishart. Salmonet. Guthrie.

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the rocky mountains of Badenoch had secured his army from the pursuit of horse. He descended again into Athol and Angus, pursued, at a judicious distance, by Argyle; but by a sudden march he repassed the Grampians, and returned to rouse the Gordons to arms. But Huntley was still concealed in the north; Aboyne, his second son, was besieged in Carlisle; the others were detained by Argyle their maternal uncle, and the loyalty of the clan was a secondary passion, subordinate to the fidelity due to their chieftain. At Fyvie castle Montrose was almost surprised by Argyle, when the absence of an Irish detachment, and the defection of the highlanders, who escaped to their hills to secrete their plunder, had reduced his army to eighteen hundred men. But he maintained a situation advantageously chosen, against the reiterated attacks of two thousand foot and a thousand horse, and surrounding his camp with fires, by night, to deceive the enemy, he retired into Badenoch by his former rout. Unable to endure the incessant fatigue of such rapid marches, his lowland officers, though the associates of his victories, deserted his standard, and the enemy withdrew into winter quarters, harassed and exhausted by a fruitless pursuit [16].

Ravages Argyle.

On the return of the Irish with the Macdonalds of the Isles, his active and unwearied spirit projected a new expedition. Through paths untrod-

[16] Wishart. Spalding, ii. 239—46—50—54—56.

den unless in summer by herdsmen, he penetrated in the depth, and amidst the snows of winter, from the source of the Tay, into the remote recesses of Argyleshire, hitherto deemed inaccessible to an invading foe. The sanguinary genius of the Irish, the animosities of the highlanders, and his own resentment, were indulged in all the destructive fury of a savage war. The cattle were driven away or destroyed; the corns and habitations were consumed with fire; the inhabitants fit for arms were put to the sword, unless preserved by flight; and this merciless devastation extended over Braedalbin, Argyle, and Lorn, to the confines of Lochaber. Argyle himself, who was almost surprised and intercepted, escaped by sea. All terms of accommodation, or of mutual forbearance, which he had proposed in the north, were extinguished by the cruelties which Montrose inflicted [17]. The unforgiving resentment of the covenant was incurred; and as an earnest of future vengeance, a sentence of forfeiture was pronounced in parliament against Montrose. His army, destitute of pay and discipline, could neither be retained nor subsist without plunder; but in these severities, his personal animosity to the chieftain was gratified by the sanguinary revenge on the innocent clan. How desirous soever of true glory, Mon-

[17] Wishart, chap. 8. Spalding, ii. 268. Guthrie asserts that he shed no blood. Wishart positively avers that he put all the males fit for arms to the sword.

BOOK IV.

trose was unconscious that humanity is the most distinguished attribute of an heroical character.

1644. Treaty at Uxbridge.

Negociations were renewed in England during the intermission of arms; but the execution of Laud was an event inauspicious to peace. In return to some pacific overtures from Charles, commissioners were sent with propositions to Oxford, which were rigorous to an extreme; and a long list of proscriptions was added to every former demand [18]. A treaty was solicited however by the king, to appease the importunity, and to sooth the impatience of his adherents for peace; but his advances are distinguished by a fastidious reluctance to acknowledge the parliament with which he proposed to treat. His overtures were addressed to the lords and commons assembled at Westminster. His passports were granted to their commissioners as private individuals, and when the parliament of England was at last unwillingly acknowledged, a protest was inserted in the books of council, that the name implied no recognition of its authority or power. The distinction has been justified as not uncommon in political transactions; but the reservation of a secret protest against the authority of those with whom a treaty was attempted, is susceptible of no interpretation but this, that no treaty was seriously intended, or that the terms were never meant to be sincerely fulfilled. The place selected for the negociations was Uxbridge; to which sixteen commissioners

[18] Rushworth, vi. 841. Whitlock, 107.

repaired from Charles, twelve from parliament, and four from the Scots. The treaty was limited to twenty days, and to three propositions; religion, the militia, Ireland, which were to be debated alternately, each for three days till the term expired. As the parliament had reduced the negociations to these propositions, and had condescended to treat with commissioners whose names were inserted in its former proscription, it was expected that a free conference and mutual concessions might produce an accommodation upon equal terms.

Interests of each party.

Whether the king or the parliament had ultimately prevailed in the contest, the constitution must have perished, and could only be preserved by an equal and timely peace. Peace, the incessant prayer and desire of the moderate, was solicited by such of the king's adherents as were suspicious of his intentions, and promoted indirectly by the parliamentary generals, who were adverse to his destruction. It was necessary for the preservation of the contending powers, against a new and an independent party which had arisen from their dissensions, and had discovered that kingly government was not necessary to liberty, nor an established church essential to religion or the insidious activity of that party, equally hostile to monarchy and to presbytery, could be resisted only by a cordial union, to which the parliamentary leaders were invited by a sense of danger, and the king by a conscious decline of

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strength. But the obstacles were multiplied since the treaty at Oxford, by the necessities of war and a ruinous delay. He would not then consent to abandon a loyal and episcopal church; nor could they now relinquish the covenant to which they had recently sworn, and the presbyterian discipline, which they had engaged to maintain. They demanded, but the king was unwilling to grant, more substantial security than the royal word; and their mistrust, increased by the mutual animosities which the war excited, had rendered more ample securities requisite. Nothing less than a sincere desire of restoring peace, could surmount those obstacles by a mutual sacrifice of whatsoever was exacted, and by the submission of each party to whatsoever the other was unable to resign.

Religion debated.

On these principles, impartial commissioners whose powers were unlimited, had impartial men who enjoyed the confidence of their party existed, might have adjusted and easily determined the concessions reciprocally due to peace. But the conference was ominously begun, on the first proposition, by divines more studious of victory than of a fair accommodation. The most stubborn and staunch polemics were employed on each side, to assert as the interests of religion, the hostile and exclusive pretensions of their adverse sects. The question, however, was proposed by Henderson with sufficient moderation. Declining the vain and unprofitable inquiry, whether epis-

copacy were consonant or inconsistent with the gospel, he suggested, as a question worthier of statesmen to examine, whether episcopal government was indispensable and so absolutely necessary to the existence of religion as not to be relinquished for the preservation of the state itself. A challenge from one of his bigoted opponents, to disprove the apostolical origin and succession of bishops, awakened the dormant rage of polemics, and for two days the altercation was conducted syllogistically, with such equal success, that in the opinion of every impartial commissioner, neither presbytery nor prelacy was of divine institution [19].

After this vain altercation and waste of time, the demands transmitted by the two houses to Oxford, and the concessions offered by Charles were produced. They required that the ordinances for abolishing prelacy, and for confirming the acts and directory of the assembly of divines, should receive the royal assent, and that the solemn league and covenant should be taken by the king, and universally enjoined. He proposed that the observance of ceremonies ſhould be relaxed, and the penalties suspended; that the prelates should be obliged to reside constantly within their diocese; to preach on Sundays, and in the exercise of their jurisdiction to consult with presbyters chosen by their clergy; that pluralities should be abolished; that the abuses of ecclesiastical courts

[19] Clarend. ii. 584. Whitlock, 123.

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must be reformed; and that for the settlement of public affairs, an hundred thousand pounds should be levied from bishop and chapter lands. In proportion as their demands were exorbitant, his concessions appeared insignificant; but in the secret instructions to his commissioners, conscience and policy are represented as the motives of his inflexible adherence to the rights of the church. As he demanded episcopacy to be essential to its existence, so he was bound by oath neither to invert its government nor to invade its patrimony; and from the reciprocal obligations, of the king to cherish and protect the church, and of the church to assist and support the king, the dependence of the clergy was requisite for the preservation of the crown itself[20]. Episcopacy was indeed blended and interwoven with his faith, but the obligation attached to his coronation oath was a fastidious pretext. His own and his predecessor's reign had been spent in a uniform struggle to subvert the Scottish church; nor could he believe that the reformation, when introduced into England by the authority of the legislature, was established by a breach of the coronation oath.

The militia.

The Scottish commissioners were intent on the promised reformation of the church, and indifferent to the state. The parliamentary commissioners, if assured of indemnity for the past and security for the future, were indifferent to the

[20] Charles' Works, 147. Rush. vi. 173. 863. 945.

church [21], and in return for satisfactory concessions on the other articles, some abatement might be expected in their religious demands. But whatever security was requisite for either party, augmented the danger or mistrust of the other; and the same powers conferred on each, would resolve into an armed and precarious truce. The king proposed that the militia should be vested for three years, in ten commissioners appointed by parliament, ten by himself, and then revert to its former channel. It was rejected as a dangerous and insidious armistice; dangerous from the hostile interests and divisions of the commissioners, which might preserve the national dissensions alive, and rekindle the war; insidious as the parliament would be divested of its present superiority, and after a short term, of its future security. The unconditional demand of the militia was reduced by the two houses to seven, or to three years after a general pacification, when it might be adjusted again between the parliament and the king; and an act of mutual oblivion was offered, as a full and adequate security for his adherents [22]. The power of the sword might have been entrusted to parliament, and after a limited period, restored to the crown, but from those conditions, howsoever easily they might have been incorporated, neither party was disposed to recede.

[21] Clarend. ii. 589—94.

[22] Whitlock, 128. Rushw. vi. 895.

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1645. Ireland.

On the third proposition, the two houses required that the cessation in Ireland should be declared void; that the war there should be prosecuted under their directions, and the administration entrusted to their care; and that no peace nor truce should be concluded without their consent. The cessation expired in a month, and if the present treaty were happily accomplished, there was no cause nor pretext for its renewal. The reduction of Ireland might have united the arms, and exhausted the surviving animosities of England; and on this important and popular article, the king and the parliament were expected to concur. Not a single concession was proposed by Charles. No consent was offered to the prosecution of the war, nor could the parliament obtain an assurance that peace was not then in agitation, nor about to be concluded with the Irish insurgents[23]. The debates were artfully diverted to the necessity of the cessation which had almost expired; the time allotted for treaty was consumed in recrimination; and from conferences productive of no conclusion, the commissioners departed with mutual disgust.

Failure of the treaty.

When the correspondence with the queen, and the proceedings of the commissioners are impartially examined, it appears that Charles was secretly adverse to the treaty, and apprehensive of its success. There were some articles which the parliament might relinquish; and others from w

[23] Rushw. vi. 901, 5.

its adherents would never recede. Instead of a fair compromise and a mutual understanding, every concession was weighed and scrupulously adjusted by his conscience, which prohibited any alteration in the church; or was circumscribed by a false honour that rejected an accommodation with his subjects upon equal terms; principles meritorious perhaps in an individual, but if placed in competition with the public welfare, ruinous to a prince. His commissioners were studious of difficulties, and endeavoured by every minute embarrassment to obstruct a conclusion. They were purposely selected as the most unpliant and tenacious of their instructions [24], and their negociations can be compared to nothing else than the debates of a popular assembly, not intended to convince the audience, but to operate upon the public through the channel of the press. During

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[24] See in Rushw. vi. 946, and in Charles' Works, 148, his correspondence with the queen intercepted at the battle of Naseby. "Esteem me as thou findest me constant to those grounds thou leftest me withal." Id. 144. "I assure you my commissioners are so well chosen, that they will neither be threatened nor disputed from the grounds I have given them, which upon my word is according to the little note thou so well rememberest." These grounds then had been concerted before the queen's departure, and the whole correspondence betrays an aversion to treat on different or more equal terms. The parliamentary leaders have been accused of garbling the letters, which, if true, might have been corrected at the time, by publishing the originals in the queen's cipher. But the king himself, in a letter to secretary Nicholas, acquits them of any material omission or error.

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the whole of the treaty at Uxbridge, Charles was engaged in secret negociations, and employed that treaty to procure a clandestine peace with the Irish; which affords a sufficient explanation of his inflexible refusal of every concession respecting Ireland, and a proof that the treaty itself was insincere. But the queen had already negociated on the continent for an army of ten thousand men under the duke of Lorrain: an equal number was expected from Ireland: the king was still possessed of half the midland counties and of the entire west; and the progress of Montrose, which was much exaggerated, had inspired an undue confidence in the success of his arms[25]. It is to this circumstance alone, that the parliamentary commissioners ascribed the miscarriage of a treaty, from which they had anticipated a very different result. The earl of Southampton, a commissioner from Charles, hastened from Uxbridge, and in conjunction with others, knelt and implored the king to submit before it was too late to the necessities of the times. His assent to the most material propositions was obtained; but before the instructions were signed, a messenger arrived from Montrose, whose dispatches announced a new and important victory; deprecated an ignominious accommodation with rebels, and promised confidently to march to his majesty's ass-

[25] Charles' Works, 144, 5, 6—9. See the negoci... length in Rushworth and Dugdale.

and with a gallant army in the next campaign [26]. On a sudden gleam of prosperity his resolution was altered, and his assent recalled. But the terms upon which Charles condescended to treat, had been concerted before the departure of the queen, and her letters breathe an ardent wish for the dissolution of parliament, which betrays the secret object both of his negociations and of his arms [27].

Victory of Montrose.

Montrose had withdrawn his troops from their fierce devastations in Argyleshire, towards Inverness, when he received information that Argyle himself, having collected his scattered clan, had advanced to Inverlochy; a castle situated at the western extremity of a chain of lakes that intersect the highlands, and extend from the German to the Atlantic ocean. His march was at once reversed; and by a secret and circuitous rout, through mountains still covered with snow, he returned on Argyle, the escape of whose breathless, and astonished vanguard prevented a surprise. It was night, and their forces continued to skirmish by moonlight, impatient for action. Argyle's are estimated at three thousand; but they were disheartened by the retreat or flight of their inglorious chieftain, who withdrew to his

[26] Burnet's Hist. i. 50. Welwood, 74. The letter is preserved by Welwood, p. 343. and was received by Charles before the end of the treaty, as appears from his correspondence with the queen; p. 148—64. of his Works.

[27] Burnet's Hist. i. 145.

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galley, at a secure distance, to contemplate the approaching fight from the lake. At sunrise, he heard the trumpet of Montrose: he beheld the mortifying defeat of his forces, and the slaughter of his clan. Perhaps they were injudiciously arranged; the lowland troops, divided on the flanks, could neither sustain the impetuous charge of the Irish, nor the highlanders in the reserve and centre, avail themselves of their undisciplined valour to restore the battle when abandoned by their wings. But irregular forces, however fierce in their assault, are seldom able to sustain an attack. They fled after a single discharge; and were pursued and slaughtered from the lake to the mountains; and the victory, in which fifteen hundred of the Campbells perished, was atchieved as usual almost without the loss of a man. The most potent and numerous of the mountain septs was crushed by the defeat, and the highlands, in every direction, were open to Montrose. But his influence appears to have been extremely limited, and confined to Athol and a part of Braedalbin; to the Stewarts of Apin, and the Macdonalds of Glengary, Glenco and the isles. Even these were less actuated by personal attachment than by animosity to the Campbells; nor were the clans in general, who maintained in their rude independence a happy indifference to prerogative and religion, inclined or attracted to his victorious banners [28].

[28] Wishart. Baillie. Spalding, ii. 270.

His former expedition to Inverness was resumed, but the town, which is placed at the eastern extremity of the lakes, and commands the northern avenue to the highlands, was fortified and garrisoned by two veteran regiments, who defied the siege or assault of irregular troops. On descending into Murray, he was joined at last by the Grants and the Gordons; but his victories, though not as formerly stained by cold, and deliberate bloodshed, were dishonoured by an unprofitable, vindictive cruelty, productive only of similar revenge. According to an approved maxim in civil dissensions, all who refused or declined to assist his cause, were confounded with his enemies [29]; their lands were indiscriminately wasted, and their houses were plundered and burnt to the ground. Elgin, Cullen, and Banff were abandoned to pillage. Stonehaven, amidst the entreaties and outcries of the inhabitants, was consigned to the flames, by the inexorable Montrose; and from an example of his lenity, some inadequate conception may be formed of his rigour. When the earl of Findlater's house was plundered, stript in his presence of every moveable article, and about to be burnt, he consented, at the intercession of the countess, in consideration, however, of a large ransom, to spare it for fifteen days, till the return and submission of her husband might preserve it from the flames. It is with reluctance that impar-

1645. His devastations.

[29] Clarend. State Papers, ii. 189.

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tial history pursues a hero through the footsteps of a vulgar, oppressive chieftain; but in reviving the barbarous practices of the former century, and in propagating the royal authority by fire and sword, Montrose was ignorant of what was due to civilized society, and forgot that he had once been a rebel himself [30].

The military and external transactions of Scotland, have obscured the civil and domestic affairs of the year. The first triennal parliament was held according to its original appointment, and prolonged by adjournments when the covenant and treaty with England were confirmed. During the recess of parliament, the supreme authority, civil and military, devolved on the committee of estates. The commission of the general assembly, improving on the example, usurped and abused a discretionary authority over the church. But the great object of national concern, next to the eventful success of the war, was the progress of its commissioners in the assembly of divines. The solemn league and covenant had associated not only the nation but the church, with England, in every religious transaction, as well as in every civil negociation and military enterprise. The doctrines and discipline of the presbyterian church, were propagated successfully by its commissioners in the Westminster assembly of divines, whose conclusions are connected by a double tie with the history of Scotland, as they are still incorporated

[30] Spalding, ii. 273—6, 7, 8. 83—5.

and preserved by the church, in the articles of its faith. But its progress was opposed in the assembly, and obstructed throughout England, by the independents, now a conspicuous sect and a distinguished party, to whose origin, institutions, and character, our attention is due. BOOK IV. 1645.

Each sect in its turn has explored the gospels, in quest of the primitive form of the Christian church. The puritans discovered that bishops and presbyters, overseers and elders, were originally equal, and the terms interchangeable, till the first was appropriated to the president of a congregation or synod, elevated in due course of ecclesiastical usurpation, above his co-presbyters. But as each sect beholds its opinions faithfully reflected in the mirror of the gospels, a bolder class of enthusiasts, more impatient of intolerance, had found that before the institution of a regular presbytery, the congregations themselves were independent and equal. The apostolical churches planted in Jerusalem, Corinth and Ephesus, were regulated by pastors freely chosen; instructed occasionally by lay-prophets; and united only by the ties of charity and a common faith. According to this early, evangelical model, they rejected the indelible character of an established and distinct order of priesthood; placed the choice and admission of pastors in the congregation at large; indulged the indiscriminate exercise of preaching; Independents. Their origin.

[31] Robinson's Apologia Brownistarum.

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and permitted an unrestrained secession whenever their numbers or their dissensions required a separate church [31]. Their defection from the established church, escaped not the severe vigilance of Elizabeth's ministers. But their abhorrence of its rigid discipline, was increased by the sufferings and execution of their clergy [32]; and the most opulent fled to Holland, the only secure asylum from the persecution of the age. Their infant church was established there by the toleration of the magistrates; but it was abandoned by Brown, their inconstant leader, and almost dismembered by a fruitful principle of division and decay. It was restored by Robinson, a temperate and learned divine, who reclaimed the sect from the sullen intolerance contracted under its former persecution; renewed its communion with the reformed churches; retrenched or appropriated the gift of prophecy to a chosen few; and abolished the name of Brownists; a name justly odious from the defection of their founder, whom the hopes of ecclesiastical preferment had attracted to England. Under the more honourable designation of independents, a part of the sect was restored to England in the reign of James, and continued many years alternately to endure

[31] Robinson's Apologia Brownistarum.

[32] Copping and Thacker were put to death in 1583, Barrow and Greenwood in 1592. What is singular and perhaps unexampled, the two former were executed for circulating a publication for which Brown the author was pardoned, released from prison, and afterwards preferred. Neal's Hist. Purit. i. 375—89. 558.

the severity of the laws, and to elude the jealous observation of the prelates. The remainder of the congregation was diminished by the death of the older members, and in danger of being extinguished by the intermarriage of their children into Dutch families. A select portion embarked for America, to perpetuate their declining society in a distant land. They established themselves at New Plymouth, the first settlement in the province of Massachuset, to which the puritans were soon driven by persecution, and attracted by civil and religious freedom. They were visited by the younger Vane, who became a secret proselyte, and was elected governor of Massachuset; but the puritans, after his departure, revived the persecution from which they had fled themselves. Rhode-Island, Connecticut, and Hampshire, were peopled by the fugitives, who preserved in their new settlements the spirit of toleration that distinguished their sect. On the meeting of the long parliament, when their brethren in London, after subsisting secretly for twenty years, were revealed to public view, some of their choice preachers returned to England with new hopes of success, and with a fixed antipathy to the established church [33].

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Their progress was rapid, as their tenets were equally adapted to gratify the most enlightened, and the most enthusiastic minds. With them the

Institutions,

[33] Neal's Hist. of New England. Hist. of the Puritans, ii. 47, 123. Hutchieson's Hist. of Massachuset. Robertson's Hist. of America.

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visible church was neither an abstract idea, nor an empty name. Each congregation was a separate church; each church was erected on a separate rock, and the members first engaged by a solemn covenant, with united hands, to walk together in the paths, and to observe the ordinances of religion hitherto manifested, or hereafter to be revealed. They then proceeded to appoint a pastor and elders, by a general suffrage, and the imposition of their own hands. To him their choice was sufficient ordination; to them alone he was pastor; to other congregations a mere layman; and this lax association constituted a church of divine institution, independent on other churches, except for their advice, or excluded merely from their communion, if obstinate in its errors. Marriage was resigned to the magistrate as a civil contract; the tithes, vestments, and ceremonies of the Mosaic law were alike rejected; and their pastor, whose sacerdotal character commenced, and expired with his office, subsisted on the voluntary contributions of his flock. The extent of a congregation was limited to the numbers that might meet conveniently in the same place. But as two or three might assemble together, seven were esteemed sufficient to complete a church; and as each member might separate, if dissatisfied with the others, the principle was not more fertile in divisions, than productive of new seminaries for this prolific sect. As theirs was a voluntary association of saints, a single member might oppose the admission of a

proselyte, till convinced of his regeneration; but this contracted regulation superseded the more intolerant, and fallible use of confessions and creeds; and when the scriptures were the indiscriminate standard of faith, belief in Christ the sole test of orthodoxy, hard indeed was the lot of that outcast with whom none would associate, and whom no congregation was disposed to receive. In the churches of Rome and England, the Christian community was an hierarchy ascending like the sacred gradations in heaven. In the presbyterian church, it was a Spartan commonwealth, where the priests were saints and alone equal, the people sinners and alone degenerate. According to the independent system, the Christian community, parcelled out into separate churches, united by slender yet comprehensive ties, was a federal republic where each member held an active situation, and where every speculative tenet found a secure retreat [34].

and character.

Enthusiasm was congenial to a sect, whose rapturous devotion was neither assuaged by the stated observance of ceremonies, nor restrained by ordinances, confessions, or creeds. But the most distinguished attribute, and in that age the reproach of their sect, was religious toleration [35].

[34] Neal's Hist. of Puritans, ii. 108. Hist. of New England, 62. 74. 126—71. Baillie's Dissuasive from the Errors of the Times.

[35] Toleration is the incessant reproach, re-echoed by Baillie, Rutherford, Edwards, and every writer against the indepen-

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Without assuming to themselves any temporal authority, they denied the right of the civil magistrate to interpose in the religious and speculative opinions of mankind. Satisfied with the spiritual powers of admonition and excommunication, of which the one was more freely, and the other more sparingly and temperately administered, they were the first Christians who adopted the principles of toleration in adversity, and maintained them during the prosperity of their sect. "Their mind," says a philosophical historian, "set "afloat in the wide sea of inspiration, could con- "fine itself within no certain limits; and the "same variations in which an enthusiast indulged "himself, he was apt, by a natural train of think- "ing, to permit in others [36]." It is difficult to resist a solution so truly ingenious. But its authority is impaired by an obvious consideration, that amidst the revolutions and incessant fluctuations of religion, no system has yet inspired that extreme zeal, of which mild and tolerating sentiments are the natural result. A better reason is contained in the peculiar form of their ecclesiastical institution. They had searched their scriptures for the earliest model of the primitive church; but from the loose texture, and imper-

dents. The presbyterian, having been once a persecuted, became naturally a persecuting religion on its triumph; a general principle, from which the independents form a singular and honourable exception.

[36] Hume's Hist.

fect union of independent congregations, persecution was impracticable. When expelled from one congregation, the offender might obtain easy access to another, or establish a separate church of his own. The civil authority could neither be appropriated, nor lent occasionally to their different churches; and when the necessity of toleration was once acknowledged, its benefits were soon recommended by an influx of proselytes from every persecuted, or afflicted sect. The antinomian, who believed that the truly elect, however criminal their actions, were incapable of sin; the anabaptist, whose inoffensive doctrine, that baptism should be practised by immersion on adults susceptible of a religious vow and a rational obligation, was odious from the former excesses of his sect on the continent; escaped into their churches, and from this indulgent liberty which the conscience enjoyed, their sudden rise and prosperity may be derived. Their numbers were as yet inconsiderable; in London they were not supposed to exceed a thousand; but these were mostly persons of rank or eminence, distinguished in parliament, in the assembly of divines, and in the committees for the city and associated counties. Contrary to the progress of other sects, the independent system was first addressed, and apparently recommended by its tolerating principles, to the higher orders of social life. It was in the progressive state of the sect, when in danger from the persecuting spirit of the presbyterians, that it descended to the

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lower classes of the community, where other sectaries begin their career. There, perhaps, it contracted a deeper tinge of enthusiasm. In some congregations, it imbibed from the anabaptists, those religious doctrines which are most adverse and irreconcilable to civil society; the community of goods, and the approaching reign of the saints on earth. Such excessive fanaticism was peculiar to a few, nor were the doctrines of their clergy in general, which were strictly calvinistical, different, except in ecclesiastical government, from those of the reformed church. Their learning was distinguished in the assembly of divines; and as their moderation is still conspicuous in its debates, it is difficult to conceive how the same men should also exceed the presbyterians in the opposite extreme of enthusiastic zeal. But the democratical spirit of its ecclesiastical policy was imbibed by its adherents, and the republican principles that began to predominate in the state, were abetted by religion [37].

Probable effects on society.

A sect that disavowed the obligation of tithes, rejected a consecrated and distinct priesthood, and restored mankind to their religious liberties, was obnoxious to every established church. From the share of its political adherents in the destruction of monarchy, it was equally odious to almost every historian. Its genius and institutions have therefore deserved a more ample explanation; but the

[37] Baillie's Dissuasive. Clarend. v. 115.

philosopher, whose researches extend beyond the province of history, endeavours to explore its probable effects on society, had it been universally adopted and permitted to subsist. On this question, two of the most illustrious philosophers of the age have differed [38]. From the interested diligence and zeal of the clergy, to conciliate adherents by every novelty, and to inspire a mutual abhorrence in every conventicle, the one concludes that their subsistence, instead of depending, as in other liberal professions, on a gratuitous recompence derived from their votaries, must be secured by public salaries, and a fixed establishment; that their interests may be reconciled with the peace of society; their indolence bribed, and their zeal disarmed. From the same principles the other maintains, that the active or interested zeal of religious teachers, becomes dangerous or troublesome only then, when the state is attached to one, or divided into two or three extensive sects, and the clergy, acting in concert, are actuated by mutual subordination and discipline. Were the number increased; were society itself subdivided into some hundred, or some thousand sects, the teachers of each little congregation, surrounded by adversaries far more numerous and powerful than their adherents, would be compelled to adopt that mutual respect, and to cultivate those virtues of moderation and of candour, which are

[38] Hume's Hist. iv. 30. Smith's Wealth of Nations, iii. 198.

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unknown to religions whose tenets are countenanced or enforced by the civil magistrate, and revered by the multitude; and whose clergy perceive none around them, but an obsequious crowd of followers, disciples, dependents, and friends. From the mutual concessions necessary to be made by each diminutive sect, the greater part would be reduced in time to a pure and rational worship, free from imposture, superstition, or fanaticism, such as the wise have ever wished to see established, but positive institutions, still subservient to popular delusion, have ever counteracted. The truth of this philosophical doctrine, is confirmed by a general historical observation, that enthusiasm is invariably the prevailing vice of a rising sect, superstition the disease of an established, degenerate church. Where a new system respecting our future welfare, has engrossed the understanding, the imagination and the passions expand upon the subject: the three most powerful principles of the human frame are stretched by mutual reaction to their utmost; and are productive of that sublime and contagious frenzy which maddens from resistance, and for some generations may last undiminished. When the novelty ceases, the enthusiasm decays. It declines into superstition, where religion is fixed and preserved by rites, prohibitions, ceremonies; sanctimonious observances on which the mind may fasten when its fervour has abated; or subsides into a placid and calm indifference, which constitutes the happiest

state of enlightened society [39]. By a singular felicity, the speculative truths of philosophy have been verified throughout that extensive continent, to which the independents originally fled for refuge. From the western shores of the Atlantic, to the banks of the Ohio, the citizen chooses his own altar; the sect provides for its own pastor; and from independent congregations, connected by no discipline, nor cherished by the partial support of the state, an harmonious moderation is the universal result. BOOK IV. 1645.

The independents were not numerous, in the assembly of divines. The episcopal party, some of whom the parliament had impartially selected, declined to attend. Another party was formed by the learned Selden, and a few statesmen and temperate divines, who proposed to restore to the Assembly at Westminster.

[39] The ferocious and irresistible enthusiasm of the Jews, on their irruption from the desert, disappeared before the captivity, and has degenerated into a sordid superstition, fixed and perpetuated by exclusive rites, and by the prohibition of whatever is common or indifferent to the rest of mankind. The Mahometans emerged from the same deserts. Their victorious fanaticism has also degenerated into the superstitious performance of ablutions, fasts, and the stated returns and attitudes of prayer. The milder zeal of the first Christians was lost in the ceremonious devotion of a corrupt church. In proportion as the reformers chose to recede from its pageantry, their institutions rose to an enthusiastic fury, or relapsed into a bigoted attachment to the functions, vestments, or rank of the priesthood, and the ceremonies, prayers, and confessions of the ritual.

BOOK IV. 1645.

magistrate the coercive powers which the church had assumed, and to reduce the pastoral functions to exhortation and prayer. Such rational and just conceptions were stigmatised as Erastian; from Erastus, a German physician and theologist, who first maintained, that the clerical office and character were limited to that persuasive authority, which an ancient philosopher might acquire over the disciples who frequented his school. But the puritans were the most numerous part of the assembly. They were inclined at first, to such a moderate, and limited form of episcopal government, as subsisted among the humble bishops of the primitive church. Episcopacy was superceded however by the covenant, and abolished before another form was prepared; and the deliberations of the assembly on this important question were protracted by the delays of the independents and of the Scots. Actuated by the spirit of an exclusive religion, the Scots were determined to admit of no toleration, and studied artfully to avoid a rupture, till the presbyterian system should become familiar, and acquire credit and support from the progress of their arms. The independents despaired of toleration, and apprehensive of a second exile, endeavoured to prolong an interregnum so propitious to the rapid growth of their sect. Church government therefore, as pregnant with divisions, was postponed to a directory for public worship, and a form of ordination; and a

Its labours.

confession of faith was reserved to conclude the labours of the assembly of divines [40]. BOOK IV. 1645.

Whatever was esteemed superstitious or ceremonial in the English ritual, was proscribed in the directory. The clergy were instructed in the most pregnant topics of extemporary prayer; the people were admonished to abstain from private adoration, genuflexions, or obeisance on their entrance into church, and to join in concert with that inward grace which is alone acceptable to the ear of God. The cross, and the intervention of sponsors, were prohibited in baptism; the ring was forbidden in marriage, the solemnization of which was permitted in Lent: confession and absolution were denied the sick; the dead were deprived of the funeral service; and the altar, ſtript of its rails, was removed from the eaſt, and reduced to a table. This last alteration was productive of the most ridiculous disputes. The independents, who concluded that, in communicating sitting, there was no necessity to approach a table, maintained that the sacrament should be administered by the clergy, uncovered, as servants, and without exhortations, to the communicants covered and seated as guests in their pews [41]. But the power of the keys, or the terms of admittance, excited a fiercer dispute with the Erastians, who demanded an open communion, accessible at his Directory.

[40] Neal, iii. 52. 139. Baxter's Life, 139. Baillie's Letters, 402—8—13.

[41] Baillie's Letters, i. 441. ii. 27. 31. Dissuasive, 122.

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own peril, to every sinner. The sabbath, dear as a moral observance to the puritans, was sanctified by the directory, and festivals were abolished as an odious encroachment on the reverence due to

Ordination.

that sacred institution. The demands of the church and of the army required a permanent form of ordination, but the Erastians disputed whether the gifts imparted to Timothy, by the hands of the presbytery, afforded sufficient grounds for presbyterian ordination; and the independents, who limited the extent of a presbytery to a single congregation, acknowledged the authority, but protested against the interpretation of the text. Such were the questions that for some years continued to agitate a venerable synod, and to occupy the most learned men of the age [42].

Church government.

Men, in their hatred of innovation, are desirous of a scriptural foundation for their faith, and are apt to adjust the most indifferent and the most important concerns by the same unerring rule. If the first reformers proposed to assimilate every civil establishment with the Jewish theocracy, it is not surprising that the puritans endeavoured to adapt their discipline minutely to the gospels. The presbyterians and the independents concurred

[42] Neal's Hist. Puritans, iii. 151. 276. Lightfoot's Remains, Preface, p. 10. Among other questions equally important, it was debated for three days, with profound erudition, whether widows might be admitted to officiate as deacons. At last it was determined, by an apposite text, that widows of sixty were qualified for the church. Id. 40. Baillie, i. 410.

in opinion, that the scriptures exhibited to future ages, the true model of an ecclesiastical government whose institution was divine. In the establishment of congregations they also concurred; but the divine right of a classical presbytery was the source and signal of dissension and schism. The Erastians asserted the supreme authority of the civil magistrate; the independents vindicated the divine right of their own congregations; and the contest subsisted for thirty days; fifteen in which they advanced as assailants to the charge, fifteen in which they maintained a defensive war. Whether there was a classical presbytery in Ephesus, and whether the church of Jerusalem consisted originally of a single congregation, were the questions to which their debates were confined; but it may be truly affirmed that ecclesiastical assemblies display the abuses, rather than the use or enjoyment of reason. An accommodation was earnestly recommended by the commons; an indulgent toleration was solicited by the independents themselves. But the presbyterians were determined that no schism should exist in their church; which they hastened to pronounce a divine institution, in its various forms of congregational, and classical assemblies or presbyteries, provincial, national, and œcumenical synods. The independents complained pathetically to the public; but the Erastians, who acquiesced in presbytery as agreeable to scripture, or as adapted to the state of the nation, prepared in parliament to as-

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sert its dependence on the laws, and the exemption of other sects from its intolerant control. The conclusions of the assembly remained to be sanctioned in each kingdom; and as the articles of the English church were inadmissible in Scotland, an uniform confession of faith was prepared, according to the utmost rigour of the calvinistical decrees [43].

1645. Confession of faith.

Intolerance of the assembly.

The spirit of persecution which the assembly manifested, reduced the independents to despair. They petitioned parliament for leave to remain undisturbed at home, as they knew not where to find a secure, or convenient retreat. The indulgence which they demanded was reprobated by the Scots as a connivance at *foul-murder*, and the puritans were determined never to tolerate this spiritual suicide, by a criminal relaxation of the golden reins of discipline. The former obviously relied upon the influence to be derived from their arms; the latter on their ascendancy in the two houses; and the independents had no prospect of refuge but a second exile, more difficult from their numbers, and a return to the desert, more severe and intolerable from the ingratitude of their confederates. Their political leaders were far from deserting the cause as desperate. They were instigated to the most unjustifiable arts, by the stern rigour of the presbyterians, whom, with profound

[43] Neal's Hist. Puritans, ii. 78. Lightfoot, 23. Neal, iii. 280. Journal of the Westminster Assembly, by Gillespie, MS. Advocates' Library.

dissimulation, they prepared to undermine. We discern their secret negociations with the court, after the treaty at Uxbridge, and their offer of more liberal terms to Charles; but their chief attention was directed to the army, by the example of the Scots. Their progress there was facilitated by the want of chaplains, who had mostly retired after the battle of Edgehill, to the enjoyment of their livings and peaceful abodes. Military and religious discipline were incorporated by the Scots, and the ministers allotted to each regiment, had established their beloved presbytery in the camp itself. As the English presbyterians were less provident, the officers were permitted to assume the pastoral staff in the absence of the chaplains, and to preach and pray till the armies were filled with sectaries, and Manchester's forces were converted into independents by Cromwell [44]. But their views were not yet accomplished, while their enemies retained the command of the armies, or their authority in the state. The parliamentary generals were not unjustly suspected of a reluctance to reduce the king to extremities; the members who had engrossed the chief employments, were accused of an aversion to terminate a lucrative war. The unmolested retreat of the royalists from Dennington castle, had excited public inquiry, and the dissensions of the commanders required a material alteration in the armies. When the commons had resolved into a committee on the deplorable state

[44] Neal, iii. 309. Baillie, ii. 122. Baxter's Life, 51.

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of the kingdom, and the conduct of the war, Cromwell, irritated by the intrigues of Essex and the Scots for his removal, interrupted a profound silence by a bold and unexpected declaration. Unless the members themselves, by the sacrifice of their offices and emoluments, should evince that they had no interest to prolong the war, he declared that the desertion of the people, impatient of its burdens, would oblige them to conclude a dishonourable peace. A proposal by which his rank and command in the army were apparently renounced, was applauded by the independents as disinterested in the extreme; nor was it resisted by the presbyterians with sufficient fortitude. Conscious of the monopoly, they were anxious to regain their popularity by the dereliction of power. A *self-denying* ordinance was framed, to exclude the members from every civil and military employment; but it was rejected by the peers, till the earls of Essex, Manchester, and Denbigh, withdrew from an invidious contest and resigned their command[45]. The importance of the question was then imperfectly understood; nor is it yet determined in government, whether

Self-denying ordinance.

[45] Whitlock, iii. Clarend. v. 551. Rushw. vii. p. 4. 15. I have preferred his and Whitlock's account, who were present, to Clarendon's more artificial narrative of a concerted plot between the city preachers and Sir Harry Vane. The city preachers were presbyterians almost to a man. Clarendon's account of parliamentary proceedings, as his information was derivative, is generally erroneous. See Harris's Life of Cromwell, p. 112.

the members of the representative order should be admitted to the offices and emoluments of the executive power. Their original exclusion might have proved beneficial, had the parliament known how to preserve the fidelity of the generals, and the obedience of the troops. But the religious enthusiasm of the soldiers was a principle distinct from their allegiance, or attachment to civil liberty; and in the hands of an ambitious commander might operate as a dangerous instrument against the state. BOOK IV. 1645.

The armies, in consequence of the ordinance, were modelled anew. Sir Thomas Fairfax was appointed general, with permission to name his own officers; a dangerous privilege which, from the dissensions of the armies, was conceded with less reluctance to his unblemished reputation. Under the direction of Cromwell, who, on the resignation of the other commanders, had been artfully employed in a distant expedition, and afterwards, at the request of Fairfax, retained for the campaign, the armies were formed into new regiments, and by the disinterested retreat of the disbanded officers, the new model was introduced without resistance among the mutinous troops. An exact and rigid discipline was immediately established. As the new officers were chiefly independents, in whom the spiritual and military vocations were united, the soldiers were daily edified by exhortation and prayer. When they marched, the fields resounded with psalms; New model.

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wherever they were quartered, the pulpits were usurped by those military rapsodists, the tone of whose martial, and inspired devotions reduced the feeble notes of the clergy to contempt. That disciplined enthusiasm which renders an army truly invincible, was at first depreciated. Little success was expected from troops so lately recruited, and commanded by officers whose experience was comparatively of a recent growth [46]. But it is observable in national convulsions, that every new faction displays additional vigour and energy, and in military transactions, the talents of a consummate general are less the result of long experience, than of genius, and of constant meditation upon the subjects of experience.

Campaign begun.

The campaign was delayed by the new model, till the approach of summer, when the king and Fairfax marched, in opposite directions, to the relief of Chester and Taunton, which were respectively besieged. The siege of Chester was raised on the report of the king's approach. Taunton, when almost reduced to ashes, was relieved by a strong detachment, which was mistaken for the van-guard of Fairfax's army; but the royalists, on discovering their error, returned to the siege, and invested the detachment from which they had retired. While Fairfax was recalled, by the committee of the two kingdoms, to the siege of Oxford, the Scottish army was directed to advance, and oppose the progress of the king in the

[46] Baillie, ii. 95. Rushw. vii. 17. 48. Whitlock, 135.

north. A part of that army was employed in the siege of Carlisle; a part was recalled to suppress Montrose; no provision had been made for its march or subsistence; nor were the generals satisfied with the new model, in which every Scot was industriously displaced. They advanced however to Rippon; but when intelligence was received of the king's design to penetrate into Lancashire, and to dispatch prince Maurice, with a body of horse, to co-operate with Montrose, they removed into Weſtmorland, not only to cover the siege of Carlisle, but to prevent a dangerous expedition into Scotland. The present expedition had been undertaken by Charles at the instigation of prince Rupert, againſt the Scots; to regain possession of the north, and to revenge the dishonour of Marston-moor. But his arms were attracted to the siege of Leicester; within a few hours a breach was effected; after an obſtinate resistance, the town was stormed, with much carnage, by a furious assault; and the inhabitants suffered all the nocturnal excesses, revenge, and rapine of the licentious troops. The disaster excited such general clamour, that the siege of Oxford was immediately raised, and the army marched to give battle to the king. Its approach was discovered, by an accidental rencounter at night with his rear. A reinforcement of two thousand foot was expected from Wales, and another of four thousand horse from Taunton; yet whether from the impetuosity of prince Rupert the ge-

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neral, or from the difficulty of disengaging the rear by a retreat at midnight, a resolution was hastily adopted to fight next day [47].

Early in the morning, the two armies were discovered at Naseby, upon opposite eminences arranged for battle. Their numbers were almost equal; but the royalists were impressed with an unjust, and dangerous contempt for the new model, and mistook the movements of the enemy for a retreat. Instead of awaiting an attack on advantageous ground, they advanced in a rapid, yet not disorderly march to the charge. The engagement was began by prince Rupert on the right; and Ireton's opposite wing, although frequently rallied, was broken as frequently, and entirely overthrown. Its reserves were routed; and its general, charging with his last brigade, was wounded, unhorsed, and compelled to surrender. The king improved the advantage with consummate ability, and his main battle ascended the hill to a close encounter; but the encounter of the infantry was fierce and doubtful. Skippon's division was disordered, and driven behind the reserves; but the battle was restored by Fairfax, and the royalists had already begun to recede, when their flank and rear were assailed by Cromwell, and the confusion that instant became irretrievable. Not less impetuous nor less irresistible than prince Rupert, he had overthrown and driven the adverse

[47] Rushw. vii. 28. 118. Baillie, ii. 103—6. Clarend. iv. 649.

wing to a distance from the foot; but prince Rupert had continued the pursuit to Naseby, or had stopt to summon the park of artillery, which was strongly guarded, while Cromwell, leaving some troops to disperse the fugitives, returned to assist his friends, and to decide the victory by a timely charge. A single battalion was all that remained unbroken, till assailed a third time, in front and rear, by the general himself. On the return of prince Rupert, the king endeavoured to rally his broken squadrons, and to renew the battle. "One "charge more," he exclaimed, "and we recover "the day." Not a man remained to sustain the approach of the enemy, who had resumed their ranks. The cavalry retreated in disorder, pursued to Leicester; the infantry was utterly routed and dispersed[48].

This victory is almost an exact counterpart of the battle of Marston-moor; and a repetition of the same dexterity or faults in the commanders, betrays the imperfect state of the military art. But the recent improvement in discipline is observable. The royalists were impetuous in their onset, but were seldom restored to order even when successful, or brought to a second attack on the same day; whereas the new-modelled army, even when routed, immediately rallied and returned to the charge. Their victory was accordingly complete. A thousand of the parliamentary forces, seven hundred

[48] Rushw. vii. 42. Clarend. iv. 656. Whitlock, 145.

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of the royalists, perished in the field; but of these an hundred and fifty were officers; five thousand were taken prisoners; the artillery and baggage were entirely lost, and the infantry were dispersed and irretrievably ruined. The king's cabinet was also taken, and to aggravate his misfortunes, his correspondence with the queen was published, in order to disclose his insincerity in the treaty at Uxbridge, and his secret negociations on the continent and in Ireland. Instead of attempting to form a junction with Goring in the west, he retreated from Leicester, with the remains of his cavalry, precipitately into Wales; and neglected the only means to restore his army, and retrieve his defeat [49]. Had he recalled his garrisons, and abandoned the unavailing defence of fortified places, a formidable army might have still been collected, and the parliamentary forces, if they attempted to occupy the deserted towns, must have ceased from active operations in the field.

Successes of Fairfax in the West.

But the victory was diligently improved by Fairfax, whose progress westward was a series of uninterrupted success. On the surrender of Leicester, he marched to the relief of Taunton, while Poyntz and Rossiter were dispatched with three thousand horse in pursuit of the king. At Dorchester, he encountered and dispersed the clubmen; an association of armed peasants, who affected to preserve neutrality and prevent depredations. At

[49] Clarendon, iv. 659.

Langport he encountered Goring, who had advanced to dispute the passage of an inconsiderable river, and was so completely routed that fourteen hundred surrendered their arms. Bridgewater, a strong town regularly fortified, Bath and Sherwood, were successively reduced. But the eyes and expectations of each party were attracted to the siege of Bristol, where prince Rupert had undertaken to sustain a siege of four months. Instead of justifying the expectations which his character and promises had excited, he capitulated as soon as his lines were forced, while the walls of the city were yet entire. The victorious army was then divided; Cromwell was employed in reducing the Devises, Winchester, Basinghouse, and in preserving the communication open with London. Fairfax, advancing westward, entered Tiverton and Dartmouth by storm, invested Exeter, defeated Hopton, who had marched to its relief; and the remains of the royalists, pursued and surrounded at Truro in Cornwall, surrendered on the humane condition of being dismissed with a small gratuity to their homes. The prince of Wales, who resided in Devonshire during the campaign, retired to Pendennis, whence he escaped next year to the Scillies, then to Jersey, and at length rejoined his mother at Paris [50].

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In the meanwhile the king had descended from Wales, with a design to penetrate into Scotland,

[50] Rushw. vii. 49.

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and unite with Montrose. But his steps were pursued by Lesly with the Scottish horse. His progress was opposed in Yorkshire, by Poyntz and Rossiter. As every avenue to the north was intercepted, he broke into the eastern association of counties; roamed from Newark as far as Cambridge; and returned with reinforcements from Oxford, to the relief of Hereford, which was besieged by the Scots. From the influence and opposition of the independents, they had remained for seven months without pay or supplies; and although they subsisted on the country at free quarters, it is rather surprising that their army was retained together, than that it was comparatively inactive during the campaign. On the surrender of Carlisle, they had advanced, by the invitation of parliament, to the siege of Hereford; but were disappointed in the promise of military stores and supplies. As a last effort they prepared to storm the place; when they received intelligence, at the same instant, of the king's approach, and of Lesly's departure with their cavalry to Scotland, to resist Montrose. Their subsistence would have been equally intercepted by the enemy's cavalry, whether they had succeeded in the assault, or persevered in the siege; and without horse to interpose against the royalists, there was some danger lest their rear should be attacked, and their army defeated in the assault itself. Abandoning therefore the siege, they retreated northward, complaining loudly of the neglect of parliament, and of the ex-

Siege of Hereford raised by Charles.

treme necessity to which they were reduced. The soldiers were destitute of pay and clothing, and subsisted on apples, roots, and corns plucked unripe in the fields. At Hereford Charles projected the relief of Bristol, but was overwhelmed by the irreparable loss of that city; and in the first emotions of resentment, he recalled prince Rupert's commissions, and sent him a pass to depart the kingdom. Chester still required his assistance, but in his march thither he was attacked by Poyntz. Assailed in the moment of victory, by the besiegers in the rear, he escaped into Wales, with the remains of the horse that accompanied him from Naseby, and returned to Oxford, despairing ever to join Montrose, on whose success he relied as his last support [51].

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who is defeated by Poyntz.

If the highlanders had ever been united under a single chieftain, or desirous to migrate with their cattle to the plains, the more civilized and unwarlike provinces of Scotland, assailed at a moment of unsuspecting security, must have sunk an easy conquest beneath their arms. In their attempt to restore the succession of Charles, the present century has beheld a few clans advance towards the capital, and by their victories shake the empire to its very foundation. The numbers were still fewer, with which Montrose proposed to penetrate into Eng-

Successes of Montrose.

[51] Rushw. vii. 116. 123. 618. Whitlock, 160. Clarendon, iv. 691.

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land; yet so sanguine were his expectations before the battle of Naseby, that he renewed his promise, if supplied with five hundred horse, to conduct twenty thousand men to the assistance of the king [52]. The promise, which was too extravagant ever to be fulfilled, was succeeded by an uninterrupted series of splendid exploits. His progress was opposed at the Tay, by Baillie, who was recalled with six regiments from the army in England, and by Hurry, a soldier of fortune, who had alternately served and deserted the parliament and the king. On receiving intelligence that they had repassed the Tay, Montrose advanced to the assault of Dundee, whose inhabitants had prepared for a vigorous resistance, on the assurance of support. Their barricades were surmounted, and the gates demolished: the artillery was turned against the town; and after an unequal conflict, the Irish were only averted from slaughter by intemperance and rapine. A quarter of the town was already in flames, and the whole would have been consumed, but the near approach of the enemy, who had descried his march, preserved his arms from this signal dishonour. His soldiers were with difficulty recalled from pillage; and he began to retreat at sunset, in the presence of a superior army, whose attack he sustained with considerable loss. Baillie and Hurry divided their forces, to prevent his return to the north, or his escape to the hills. But

Storms Dundee.

[52] Charles's Works, 154.

his march was silently altered at midnight, and passing between their divisions, by a masterly retreat from Aberbrothick to Brechin, Montrose was again lost and secured in the mountains [53].

While Baillie, to retaliate his devastations, inflicted similar ravage and revenge on Athol, Hurry proceeded northward, to restrain his steps to the hills. He was followed, or rather pursued, by Montrose; but he returned from Inverness, reinforced by the garrison and the earls of Sutherland and Seaforth. Instead of expecting the arrival and co-operation of Baillie, he advanced to Aldern, a village near Nairne, where Montrose had chosen an advantageous station, obscured by a rising ground from inspection. His arrangement was not less singular than the situation which he occupied. Centre or reserve he had none; the vacuity was supplied by his ordnance, and concealed by the village, through the avenues of which some troops were exhibited; the right wing, where his standard was placed to attract the enemy's attention, was protected by ditches and walls; and by an arrangement similar to that of Epaminondas at Leuctra and Mantinæa, his principal force was transferred to the left. On quitting its entrenched situation, his right was repulsed, but the left wing, which he commanded in person, and on which he relied for victory, broke and routed the enemy's horse. Their unskilful evolutions had disordered

Battle of Aldern.

[53] Rushw. vii. 228. Baillie, ii. 95. Wishart, ch. 9. Spalding, ii. 288.

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the infantry whom their flight exposed to immediate destruction. The new levies were soon dispersed, but the old and disciplined soldiers, who disdained or despaired of quarter, fought and perished without receding from their ranks. Two thousand were killed in the field; the loss of the conquerors was inconsiderable, or suppressed as usual, but their victory was abused and sullied by devastation[54].

Battle of Alford.

On the approach of Baillie, they withdrew to the hills, but his forces were again injudiciously divided. His old soldiers were exchanged for recruits; and his infantry was reduced to thirteen hundred, when he was encountered by Montrose at Alford, on repassing the Don. His horse, which were first dispersed, were inferior in gallantry, and equal only in numbers to the Gordons. His infantry, extended in a thin line without reserves, were outnumbered; overcharged in front by the enemy, arranged to the depth of six files; assailed by the cavalry in the rear, and after a desperate resistance, were utterly destroyed[55]. The victory was embittered by the death of lord Gordon, and may be ascribed not only to the superiority of Montrose, whose forces were inured for a twelvemonth to constant action, but to the indiscretion of the nobility on the adverse side, who constrained the reluctant Baillie to hazard an engagement. In

[54] Rushw. vii. 228.

[55] See his narrative in Baillie's Letters, ii. 264.

England, the ablest commanders were formed on the side of parliament during the war; but it is observable that none were produced in Scotland, whose experience had not been acquired abroad. The regiments were chiefly commanded by the nobility, of whom Montrose alone possessed military talents; and though they respected officers of established merit, their influence among the covenanters, as in the king's army, repressed the growth of military genius.

Exertions of parliament.

While the north of Scotland was thus desolated by war, the south was afflicted with a destructive pestilence. The nation, languishing under these accumulated calamities, seemed to be reduced to the last gasp; but was sustained by the vigorous counsels of a single man. The talents of Argyle were less adapted for the field than for the cabinet. The new levies were successively defeated; but his exertions were never once intermitted, to obstruct the progress of Montrose, and to prevent his junction with the king. The parliament, in consequence of the plague, was transferred successively to Stirling and Perth; but a keen sense of national dishonour was excited by the disasters sustained from a band of undisciplined highlanders, and Irish vagrants. Emigration and flight were severely prohibited. The nobility and gentry were ordered to arm, and a new requisition was made upon the counties for ten thousand men[56].

[56] Rescinded Acts.

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1645. Montrose's preparations.

The preparations of Montrose to fulfil his promise to Charles, were not less vigorous; and his recent victories attracted, from every quarter, reinforcements or recruits. The army must be computed at six thousand, with which he emerged from behind the mountains [57], and insulted Perth, where the parliament was assembled, and where its troops, in the expectation of reinforcements, were securely entrenched. But the fury of the highlanders was again let loose. Wherever the Campbells were seated, fire and sword were employed for their extirpation; and the approach of Montrose to the Forth, is indelibly marked with devastation and bloodshed [58]. Stirling castle was protected by a strong garrison; but his army passed at a ford above, and in its progress south-

[57] He had three thousand at Aldern, (Spalding,) and after the battle of Alford was joined by Maclean and Glengairy with seven hundred, by Macdonald with five hundred, by the Athelmen, Macgregors, Macnabs, and Farquharsons, and by Aboyne and Airley with twelve hundred foot, and three hundred horse. (Wishart, ch. 12. Salmonet.) With every abatement for loss or desertion, his forces cannot be computed at less than six thousand. Wishart indeed reduces them to four thousand four hundred foot, and five hundred horse, at the battle of Kilsyth. But that fabulous writer uniformly diminishes the numbers and the loss, to exaggerate the exploits of his hero. In the present expedition he tells of twenty highlanders who routed three hundred, of twelve horsemen who defeated two hundred of the covenanters' horse, killing some and making prisoners of others.

[58] Guthry's Mem. 191. Stevenson. 1165. Statistical Accounts, xv. 169.

ward, was overtaken by Baillie, at Kilsyth, a village adjacent to the Roman wall. There the last and most splendid of his victories was atchieved. Baillie, cautious from his recent defeat, had assumed a situation where it was difficult to act offensively, but impossible to be attacked without the destruction of the assailants. Notwithstanding his remonstrances, that the fate of the kingdom was placed on the preservation of the army, his opinion was overruled by the committee of estates; and from a persuasion that the enemy prepared to retreat, his army was injudiciously removed to a situation better adapted for offensive operations. Before they were embattled, and before the regiments had occupied their respective stations, the engagement was begun. The horse retired in disorder, on the infantry; the decisive moment was seized by Montrose, and his army rushed at once to a general attack. The wild outcries, the savage aspect, and the furious onset of the Irish and highlanders, who fought almost naked, and which are formidable even to the most regular, were ill sustained by undisciplined troops. They abandoned their arms for an unavailing flight; and were pursued to the distance of fourteen miles, with unrelenting rage. If the royalists are to be credited, not a man escaped out of six thousand foot. According to the most moderate computation, four or five thousand perished in the field; and this barbarous slaughter of the unresisting in-

BOOK IV. 1645. His victory at Kilsyth.

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fantry, is sufficient to prove, that no quarter was granted in the pursuit [59].

1645. His transient success.

Thus, from a train of distinguished exploits, the result of a fortunate temerity combined with prudence, all Scotland was open to the victorious Montrose. The forces collected in the west and south, were dispersed on his approach. The principal covenanters fled to England or Ireland, and the towns endeavoured to deprecate his resentment by an early submission. His friends were released at Edinburgh, from a long imprisonment; and the city was preserved by a specious clemency, and a raging pestilence, from the chastisement which his troops were prepared to inflict. A few *incendiaries* were executed at Glasgow, which was secured from pillage by a secret reserve of loyalty, or more probably by an ample contribution. Moderation, however, was now necessary to conciliate the people, and encourage their submission to the royal cause. The marquis of Douglas, the earls of Annandale and Linlithgow, the lords Seaton, Drummond, Erskine, Fleming, Carnegie, and other noblemen, embraced the party of Montrose; his authority was enlarged by a new commission to act as viceroy; and a parliament was summoned to meet at Glasgow. The triumph of the royalists was complete, but of short duration; and it was obvious to more attentive observers, that the strength and the successes

[59] Narrative in Baillie's Letters, ii. 271. Wishart. Guthry. Salmonet. Crawford's Hist. MS.

of Montrose were transient. He had overrun the country, in the course of a barbarous and desultory war, undertaken in the most desperate circumstances; waged by banditti, and supported by depredations; but he had acquired no fortified place or pass, nor established any durable foundation in Scotland, and his authority never extended beyond his detachments, or the precincts of his camp. To afford a conscientious support to his friends, and a terrible example of vengeance to his enemies; to treat the neutral as disaffected or hostile, were the severe maxims upon which he conducted the war; but the execution of these maxims had produced an impression of fear and hatred, which a sudden and suspicious clemency was insufficient to eradicate. The excesses of his soldiers had rendered his cause universally odious. Instead of the general submission, or that frequent resort which he expected to his standard, he was joined by few, the dependents chiefly of the marquis of Douglas, whose aid was more than counterbalanced by a sudden defection, which must be attributed either to the arrogance, or the envy, which his recent honours and promotion had inspired. The Gordons retired to the north in disgust; the Macdonalds returned to secrete their plunder in the hills, or to execute some new scheme of revenge on the district of Argyle. Presuming on the uniform success of his arms, he advanced with a diminished force to the borders; expecting a reinforcement

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of cavalry from England. But the national fortresses remained with the covenant, and there was reason to apprehend, that the kingdom, which had been lost by one battle, might be regained by another.

Defeat at Philiphaugh.

When the fatal battle of Kilsyth was reported in England, David Lesly returned by rapid marches, with his cavalry to Berwick, whither the principal covenanters had fled for refuge. His design at first was to intercept Montrose at the Forth, on his retreat to the mountains, but at Gladsmuir in East Lothian, his march was suddenly reversed, on intelligence that the royalists were stationed in Ettrick forest, unconscious of his motions, and from their profound security easily surprised. His near approach was concealed by night. In the morning his army was discovered, within a mile of Selkirk, where the royalists occupied the adjacent woods of Philiphaugh. In this extremity, whatever the abilities of the general, or the personal valour of the soldier could accomplish, was performed by Montrose. His troops were outnumbered and attacked by surprise; but he endeavoured to retrieve the disaster incurred from the negligence of his scouts; he sustained for some time an unequal conflict, and when his foot was broken by Lesly's desperate charge, he withdrew with a few horse, to regain the mountains by the rapidity of his flight. A thousand royalists were buried in the field. An hundred Irish were shot at a

stake [60]; and the covenanters are justly accused of abusing the privileges of victory, by historians who relate, with unfeeling exultation, the massacre of six thousand at the battle of Kilsyth. Were these historians to be believed, the foot were disarmed by a promise of quarter, and at the instigation of the clergy, perfidiously murdered; the fugitives whom the peasants had intercepted and spared, were collected on a bridge with their wives and children, and by the direction of the committee of estates, were precipitated into the stream. Their outrages, it is certain, were severely retaliated: the Irish were uniformly excepted from quarter, in both kingdoms, as banditti proscribed by the laws of war; and it is extremely probable, that the prisoners were sometimes sacrificed by the fury of the soldiers, or more frequently by the revenge of the peasants and populace, when sent to those places which had suffered from their depredations [61]. But atrocities, which are credible only of the Irish massacre, are transcribed according to the credulity of authors, from Wishart the partial historian of Montrose; a writer less attached to veracity, than studious to frame and adorn a panegyrical romance [62].

[60] Baillie, ii. 164. Rushw. vii. 231.

[61] Burnet, i. 52.

[62] Salmonet and Guthry were ashamed to transcribe the last story from Wishart, of the prisoners thrown alive into the Tweed. The fact is, that from Berwick to Peebles there

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1645. Execution of the royalists.

But the fury of civil wars, when the battle has ceased, is almost invariably reserved for the scaffold. The number selected for execution was reduced to six: president Spottiswood, the archbishop's son, sir William Rollock, the attendant of Montrose from England, colonel Nathaniel Gordon, sir Philip Nesbit, Ogilvy of Innercarity, Guthry, the bishop of Murray's son, Murray the earl of Tullibardine's brother. Their crimes were found in those sanguinary laws against state offences, which are still flexible to the interpretation, and subservient to the interests of the prevailing party, still cruel and inexorable to the unfortunate; but by which the adherents of each may alternately suffer. The execution of Spottiswood was peculiarly unjust. He had framed or brought the commission to Montrose, and accepted the office of secretary, which the parliament had formerly

was not a single bridge on the Tweed, (See Pont's Maps in Bleau's Atlas,) and father Hay is obliged to transfer the scene to Linlithgow bridge, above forty miles from the field of battle. Memoirs MS. Advocates' Library. The first story is evidently founded on the execution of the Irish; a fact attested by Rushworth, and sufficiently inhuman; but they were uniformly treated, in consequence of the Irish massacre, as troops who neither gave nor received quarter. But the same historians, who relate the massacre of the prisoners who surrendered, and of the fugitives who escaped from the field, would persuade us that the horse were preserved by flight, and that the foot consisted only of five hundred, of whom two hundred and fifty rejoined Montrose. Such, in extenuating their hero's loss, is their judicious allowance for massacre, and the carnage of the field.

conferred upon Lanerk. He was convicted, therefore, of an obsolete treason, because he impugned the authority of the three estates; but his sentence may be more truly ascribed to the prostitution of his judicial character, in the trial of Balmerino, and to the suspicion to which he was obnoxious, of corruption on the bench[63]. Lord Ogilvy would have shared the same fate; but escaped by exchanging clothes with his sister in prison. The parliament was importuned by the vindictive zeal of the clergy, but resisted the farther effusion of blood; and instead of forfeitures, established a fixed composition, on which the delinquents obtained their release[64].

Montrose himself, when the defeat appeared irretrievable, had retired to Peebles, and collecting two hundred of his fugitive horse, continued his retreat or flight across the Forth and the Tay, till secured in Athol from the danger of pursuit. But his reputation among the highlanders was ruin-

[63] Baillie, i. 71. Parl. 1584. ch. 130. "That none presume to impugn the dignity and the authority of the three estates, or to seek or procure the innovation or diminution of the power and authority of the same, or any of them, under the pain of treason." So concise, yet at the same time so comprehensive, vague, and arbitrary, were the treason laws of Scotland. This act was passed to preserve the episcopal estate in parliament, against the efforts of the presbyterians, and was employed for the execution of Spottiswood its most active partisan. The earl of Argyle was afterwards executed on the same act, "to the reproach of justice."

[64] Burnet's Hist. i. 53. Rescinded Acts. Wishart.

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ed by his defeat. The Gordons were alienated or restrained by Huntley, their invidious chieftain, who had emerged from concealment, and resented the authority conferred on Montrose as derogatory to his own. A few troops were collected, with which he harassed the covenanters, and attempted to join lord Digby from England; but his former army was never restored, and his actions were unequal to the reputation of his former exploits. Digby and Langdale had undertaken, on the report of some doubtful advantage, to penetrate from Newark, with fifteen hundred horse, to the assistance of Montrose; but the attempt was desperate after his defeat. They were defeated by Copley at Sherburn, and again by the Scottish garrison at Carlisle; and unable either to advance or to retreat from Dumfries, the commanders embarked for Ireland, and left the remains of their forces to disperse [65].

Glamorgan's transactions.

To conclude the misfortunes of this disastrous campaign, the last and most unpopular support on which Charles relied, was detected and defeated. The Scottish forces in Ulster, who rejected the cessation, and the English who acceded to the covenant, had maintained their situation, and continued even to wage an offensive war, when deserted and weakened by the connivance of government with the Irish insurgents. The benefit sexpected from the cessation were lost to Charles,

[65] Burnet's Hist. Rushw. vii. 130–4. Clarend. iv. 718.

when the forces which he had withdrawn from Ireland, were dispersed by Fairfax. To obtain the assistance of the native Irish in England, as well as in Scotland, was the object of his secret treaty with their agents, who attended at court, and of the peace which Ormond his lieutenant was instructed to conclude. Their terms, however, were extravagant. They would not confide in a verbal assurance of future satisfaction; nor without relinquishing the protestant interest, could he openly accede to their religious demands. Lord Herbert, the marquis of Worcester's eldest son, a catholic, connected with many Irish families, was created earl of Glamorgan, and invested with the most secret and extraordinary powers. He was instructed to negociate with the confederate Irish, and to conclude such articles, "as it were unfit for the "king at present to acknowledge publicly, and "in which his lieutenant Ormond could not be "seen." The commission was granted under his privy signet, without the approbation or knowledge of his council, that his just designs, says Glamorgan, might take effect, or that the commission might be disavowed if discovered, and his honour preserved[66]. While Ormond was assidulously employed at Dublin, to moderate the demands of the confederate Irish, Glamorgan concluded a secret treaty with their council at Kilkenny, and confirmed the public exercise of the catholic religion, the jurisdiction of their priests,

[66] Clarend. State Papers, ii. 201.

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and the enjoyment of the ecclesiastical revenues and churches which they had acquired since the insurrection commenced. Ten thousand men were stipulated in return to assist the king; but before the public and ostensible treaty was concluded with Ormond, the secret transactions of Glamorgan had transpired. The articles were found on the titular archbishop of Tuam, who was slain by the Scots at the siege of Sligo. Glamorgan was arrested, to avert the obloquy of a treaty ruinous to the protestant interest. His commission was publicly disavowed by Charles, who protested, that he was merely entrusted with credentials for raising forces, and had been instructed not to negociate without the directions of Ormond; much less to resign the religion and property of the church [67]. Professions so repugnant to appearance, were generally disbelieved. In the opinion of the people, the king's attachment to popery was attested by the unreluctant sacrifice of the protestants in Ireland; and his share in the transactions of Glamorgan is still controverted. There are two circumstances which afford the strongest presumption, that the powers conferred upon Glamorgan, and the concessions with which he was entrusted, were of the most unlimited, and according to the sentiments of the age, of the most unjustifiable nature. His release was almost

[67] It was publicly disavowed, in a declaration to parliament, and privately, in a confidential letter to Ormond. Rushw. vii. 222. Carte's Life of Ormond, ii. App. p. 12.

immediate; and instead of any abatement of favour, he experienced the most unbounded affection. He was employed to resume the same negociations: he was encouraged by an assurance that the instructions to himself, and the promises made to the popish nuncio, would be fulfilled by Charles; and at a period still more disastrous, he received a secret intimation, confirmed by the most solemn asseverations, that as he alone, amidst an universal defection, had continued faithful, the king would neglect no opportunity to escape into his and into the nuncio's hands. But the silence of Clarendon is a decisive proof. He had examined the whole transaction, and after the restoration, exacted a minute explanation from Glamorgan himself. But in his private correspondence, he refuses to dishonour his history by a vindication of measures, which he considered, perhaps with too much asperity, as irreconcilable with piety, justice, and prudence, and as one of those stratagems that were peculiar to the king[68]. The unexpected success of Montrose and of his Irish auxiliaries, had encouraged Charles to employ the milder, yet more romantic genius of Glamorgan in a similar mission; and notwithstanding his solemn declarations, he did not scruple to establish the catholic religion in Ireland, provided the English parliament were subdued by its arms. His commissions to Glamorgan were granted on the eve, and at the conclusion of the treaty of Uxbridge, while his ar-

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[68] See Note XL.

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mies were yet unbroken, and his hopes entire; before the urgent plea of necessity could justify the introduction of the Irish into England. But the discovery and disavowal of the secret treaty, retarded the succours expected from Ireland, till his circumstances were too desperate to admit of relief.

THE

HISTORY

OF

SCOTLAND.

BOOK V.

Situation of Charles.—His Escape to the Scots.—Negociations at Newcastle.—Departure of the Scots and Surrender of the King.—Mutiny of the English Army, and Seizure of his Person.—Negociations with the Army, the Parliament, and the Scots.—Engagement, Second Civil War, Invasion, and Defeat of the Scots.—Trial, Death, and Character of the King.

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1646. Situation of Charles.

DURING the winter season, the situation of Charles was truly deplorable. The judicious caution observed in the former, had been abandoned unnecessarily in the last campaign. In one rash and fatal engagement, the strength and fortune of his arms were irretrievably ruined; the rest was a rapid succession of defeats, in which the remains of his forces, separated from each other, were successively consumed. His garrisons were

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almost all reduced or invested, without a prospect of relief, or the means of retreat. When Montrose was vanquished in Scotland, the last hopes of the royalists were extinguished; and on the defeat of Astley, during his march to Oxford, the last appearance of an army was dissolved.

As every military resource had been tried and exhausted, no alternative remained for Charles, but an immediate peace, or an unavailing resistance till surrounded and taken. From the prosperous situation of its affairs at present, he could not expect that the parliament would mitigate the rigor of its former demands. Nothing less than submission almost unconditional, could preserve even a decent image of his regal authority; and as the whole would otherwise be lost or forfeited, true policy required that he should yield. Destitute as he was of power, and exposed already to the mercy of his enemies, there was no place for a negociation upon equal terms. The parliament would have been dissolved, and its authority utterly annihilated, if his arms had prevailed. The operation of the same law was to be expected in return; and the king, who had performed his part with dignity, and who was therefore absolved from the consequences, might have submitted without disgrace to his fate.

His designs.

Unhappily for Charles, his mind was not yet prepared, and could never be persuaded, to yield at discretion to the iniquity of the times. He imagined, after an artful evasion of every former

treaty, that an equal negociation was still open when his arms had failed. Accordingly he solicited, by repeated messages, a passport for commissioners, and proposed a personal treaty with the parliament in London; but without any serious inclination to peace. His design, as explained in a letter to lord Digby, was to get to London on the honourable condition of being acknowledged king; but at the same time with the insidious expectation, "of drawing either the presbyterians or independents to side with him for extirpating each "other; *so that I shall be really king again*[1]." A subtle and dangerous policy, the concealed object of his future negociations, and the real cause of his final destruction, escaped not the vigilant observation of parliament. The capital was filled with his adherents, and torn with dissensions, and from the insincerity which the publication of his cabinet had revealed, in the treaty at Uxbridge, every proposal for negociation was rejected by the two houses, who signified that bills were preparing, his assent to which would afford the surest pledge of his desire for peace. From the parliament his views were directed to the Scots; and how visionary soever his expectations might be, to prolong the war, and to engage the presbyterians and independents to extirpate each other, in order to restore his power; their dissensions had acquired an

[1] Carte's Life of Ormond, iii. Letter 435. p. 452. Rushworth, vii. 215, &c.

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extreme violence, from a subject which, to them at least, was of the utmost importance.

1646. Presbytery adopted.

The conclusions of the Westminster assembly of divines had been sent back from Scotland, sanctioned by its general assembly and parliament; but were adopted by the English parliament, rather as a religious experiment than a permanent institution. The presbyterian form of government was established for a time, to be reversed or altered if it proved inconvenient; but the parliament refused to render the church supreme, and independent of the state. That its forms were lawful, and agreeable to the word of God, was the utmost that could be obtained; and the power of the keys, by which the ignorant or unworthy were excommunicated or excluded from the ordinances of religion, was limited by an ordinance to certain degrees of ignorance and to particular crimes. Was it not the duty of a shepherd, the presbyterians exclaimed, to restrain his flock from unwholesome pastures? and had not the sacramental symbols or elements a mystical and double efficacy, not only to regenerate the righteous to an everlasting life, but to transfuse into the body, when unworthily taken, the guilt and perdition of an actual accomplice in the death of Christ? They were told that it was the duty of a faithful pastor, not to starve but to nourish his flock, or were reminded that Judas sat with his master at supper; and in proportion to their impatience of the civil authority, their church was more straitly

begirt by the laws. From congregational and classical presbyteries to provincial synods, appeals were established, in due gradation, to the supreme assembly of the national church; from thence to parliament; and civil commissioners were ordained to determine, in each province, such scandalous offences as the general ordinance had neglected to enumerate. Subordination among ecclesiastical tribunals was readily admitted, but appeals to the civil magistrate were deemed inconsistent with the divine right of the presbyterian church. Toleration, however, was still more offensive than even this jealous reservation of power. The independents combined with the Erastians in parliament, to procure a charitable indulgence for the tender conscience; but the presbyterians resisted liberty of conscience, as incompatible with the solemn obligations of the covenant to maintain uniformity and exterminate schism. The outcry was instigated and joined by the Scots, the remonstrances of whose assembly and parliament were surreptitiously published, with a preface which the commons directed to be burnt. The latter professed their inflexible resolution, not to grant to ten thousand ecclesiastical judicatories, an unlimited and arbitrary power, independent of parliament and inconsistent with the laws. But the public dissensions were not therefore appeased. The groans of the pulpit were reiterated from the press, and the new form of ecclesiastical government was never established, except in London and

BOOK V. 1646. but restrained by the laws.

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Lancashire; but was rejected by the clergy as a lame and Erastian presbytery, defective in the requisite power of the keys. The presbyterians who had refused to tolerate or comprehend the independents within the pale of the church, endeavoured at the same time to prevent their secession, to suppress their congregations, and to deprive the sectaries of a share of power; and they were observed to manifest the same persecuting spirit from which they had suffered, and so recently escaped themselves [z].

Scots offended.

Besides these, there were other causes of deep offence to exasperate the Scots. The independent armies were amply provided; but theirs, whose assistance was at first so eagerly solicited, had been long neglected, and many months intervened without pay or supplies. Their commissioners, whose letters had been intercepted and examined, and whose remonstrances had been suffered to remain unanswered, were equally disregarded; and in proportion as their assistance became unnecessary, it was gradually declined in every public consultation. On the promise or advance of a month's arrears, their army was engaged in the siege of Newark; but an irritating resolution was passed by the commons, for the surrender of the cautionary garrisons, which they possessed in the north, and against the free quarters and contributions, which their necessities had exacted. The fact is, that the

[z] Rushworth, vii. 205—12—20—36—60. Neal, iii. 298. Whitlock, 203. Selden's Table Talk.

Scots themselves had provoked these offences, by their undue interference in English affairs. Not satisfied with the military aid, which in sound policy was due to parliament, they intermingled officiously in its private councils, like true zealots, to dictate their own religion to England. As long as their assistance was necessary, and the presbyterian interest continued to predominate, their friendship was respected and assiduously cultivated; but when the independents, to whom they were irreconcilable, acquired an ascendancy after the battle of Naseby, no terms of moderation were observed [s].

Intrigues of Charles.

Few princes, perhaps, could have resisted the temptation to profit from dissensions, which, in a situation less desperate, might have availed the king. But he had nothing left to contribute to either party, the name and contemned authority of a king excepted; and to recover his power by involving his enemies in mutual hostilities, was an expectation not less fallacious than dangerous in the experiment, and destructive to himself. The independents might promise a fairer toleration of episcopacy, and the presbyterians might offer a larger measure of regal power; but his good faith would become justly suspicious, and his design to prolong the war would be rendered odious, by such complicated intrigues.

with the independents and Scots.

His advances to these parties were entrusted to Ashburnham and to Montreville the French resi-

[s] Hollis's Mem. p. 46. Rushw. vii. 126.

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dent. The independents were assured of his concurrence to exterminate the tyrannical forms of presbytery; but they refused to separate their interest from parliament, or the public welfare: the presbyterians were not less attached to the covenants, nor less inflexible in their resolution to abolish episcopal power. Montreville, who had applied in vain to the Scottish commissioners, undertook an unsuccessful expedition to Scotland. On his return, his reception was more favourable, or his intrigues more successful in the Scottish army; yet whatever assurances were given by its generals, or confirmed by the English presbyterians, to whom the negociations were communicated, must remain uncertain, notwithstanding the publication of his correspondence with the king. He engaged, in the name and on the part of the queen regent and of the king of France, that Charles should be received as sovereign in the Scottish camp, where his conscience and honour should be respected and unrestrained; that his adherents should be protected, and his efforts to recover his lost prerogatives supported by the united arms of the Scots. The counterpart to this strange obligation, was a promise equally elusory from Charles, to grant full satisfaction respecting church government, when convinced that it was not against his conscience. An obligation in the name of the French king, might be ascribed to the punctilious aversion of Charles to treat in person with his rebellious subjects; but there is no trace

of a corresponding obligation from the Scots to Montreville, to concur with his adherents in the support of his declining cause [4]. The most probable interpretation of this obscure transaction is, that the king, and the English presbyterians, who were uniformly consulted, had recourse to general assurances, and were mutually deceived. They expected a confirmation of presbyterian government. He anticipated the unconditional support of their allies the Scots, and signified to Ormond his extravagant expectations, that the latter would unite with Montrose to compel the parliament to sue for peace. They engaged, indeed, to escort him to their camp, but the treaty was interrupted by their refusal to receive his adherents, or to co-operate with Montrose; and when they demanded a prompt or speedy confirmation of the presbyterian church, Montreville was again employed to

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[4] There is no trace of such obligation in Montreville's correspondence with Charles. Clarendon State Papers, ii. 220. 6. But he asserts, in his dispatches to his own court, that he had obtained a written engagement from the Scots, which they persuaded Charles afterwards to permit them to withdraw. Thurloe State Papers, i. 88, 4. This might be necessary in 1647 to assert to his court, as he was recalled in disgrace for engaging the French king's name on unsufficient grounds. But that no such obligation existed is certain: 1. Because it is neither referred to in his engagement, nor once mentioned in his correspondence with Charles: 2. Notwithstanding its being withdrawn, Clarendon must have obtained a copy, with the other papers, from secretary Nicholas. Montreville's own engagement was withdrawn, yet a copy is preserved.

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instruct them in the sentiments of the presbyterians in London [5].

1646. Escapes to the Scottish camp.

From these circumstances it appears, that the English presbyterians urged the king to take refuge in their camp. The republican armies surrounded Oxford, and in a few days he must either endure a siege, or escape to the Scots. His departure was determined by the approach of the victorious Fairfax from the west; and on a vague assurance from Montreville, of the favourable disposition of the Scottish generals, he withdrew with

April 27. two attendants from Oxford in disguise. His resolution was still undetermined, and his course uncertain. From Henly he proceeded to Brentford, and Harrow-on-the-hill, within sight of London, hesitating whether or not to enter the capital, and to commit himself at once to the discretion of parliament: but unhappily he relapsed into those ambiguous counsels, which could only serve to perpetuate its jealousies, and to prolong his misfortunes. Ruminating on the sad events of his destiny, he consumed the time in unfrequented roads, approached the coast, and in vain projected to reach Montrose; but when every other resource was abandoned, he arrived at the Scottish camp, on the ninth day after his departure from Oxford [6].

[5] Carte's Ormond, iii. 455; Letter 436. Clarendon State Papers, ii. 222—6.

[6] Clarend. State Papers, ii. 225. Ruthworth, vii. 267.

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1646. Scots retreat to Newcastle.

The surprise of Leven, and the perplexity of the Scottish commissioners, at his appearance, were undoubtedly sincere[7]. The intrigues of Montreville were entertained, it is probable, as a specious attempt to corrupt their fidelity, or were repaid by assurances equally vague and specious; and they might assert, though with some reservation of the truth, that the arrival of Charles was an unexpected event; and assure the parliament, that no treaty or stipulation had previously intervened. Whatsoever were his expectations, they continued stedfast to their original engagements; procured his order for the surrender of Newark; and withdrew to Newcastle, to prevent the requisitions of parliament, or the movements of the English forces to intercept their return. Their retreat was an acceptable omen; but they guarded the king with vigilance, yet with every demonstration of external respect; and professed their inviolable resolution to adhere to the covenant, and to avail themselves of the possession of his person as the means of establishing a happy uniformity and a durable peace. It was necessary for Charles to inform the parliament, that he retired from Oxford with no intention to disunite the two kingdoms or to prolong the war. But the sincerity of these professions was discredited by his letter to Ormond, which was intercepted and communicated by Monro to the Irish parliament, and in which it

[7] See Clarend. v. p. 22.

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was stated, that he meant to repair to the Scottish army on the assurance of its assistance to restore his prerogatives, and in the expectation that it would unite with Montrose to compel the two houses to submit to peace. The Scottish commissioners disclaimed the imputation; and in language which it is difficult not to believe sincere, they denied the assurance to combine against parliament, or the existence of any public or private agreement whatsoever with the king [8].

Civil war concluded

His application to parliament was accompanied with an offer to surrender Oxford and his remaining garrisons, as a pledge of his earnest desire of peace. Their resistance could have served no purpose; and they submitted to Fairfax upon honourable terms, which were religiously observed. Thus,

[8] Baillie, ii. 203—7. Rushw. vii. 268. 273, 4. "It doth consist with our perfect knowledge, and we declare it with as much confidence as we can do any thing, that the matter of the paper, as far as concerneth any assurance or capitulation, for joining of forces, or for combining against the houses of parliament, or any other private or public agreement whatsoever, between the king on the one part, and the kingdom of Scotland, their army, or any in their name, and having power from them, on the other part, is a most damnable untruth." This explicit declaration, made not a month after the king's arrival in their camp, deserves the more attention, as it was open (if a falsehood) to immediate detection, and as it admonished Charles to preserve the agreement, or at least some proofs of the assurance which they denied. Baillie, in whose confidential letters to his brother-in-law concealment was unnecessary, equally disavows an agreement or promise. ii. 213.

at the distance of four years from the time when his standard was erected at Nottingham, the first civil war was extinguished in England; a memorable war, which is distinguished above all others by a mild and generous humanity, exempt from the vindictive fury of civil dissensions. Compared with the sanguinary proscriptions in the conflicts between the two houses of York and Lancaster, with the horrours of the league in France, or even with the severity of the covenant, it reflects the highest credit on the motives of parliament, and a lustre upon the character of the age and nation; whose historians seem to be unconscious, that a war exasperated by religious animosities, terminated in the field, without a single execution succeeding on the scaffold.

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Orders to disarm, were also transmitted to Scotland, where Montrose had formed an association with the earls of Sutherland, Seaforth, and other northern chieftains, and had undertaken the siege of Inverness; convinced, when it was too late, that the possession of some fortified place was necessary to secure a retreat. The association was dispersed by the first blast of the ecclesiastical trumpet; and when the versatile earl of Seaforth was excommunicated, the rest were impatient to deprecate the censures of the church. The siege of Inverness was raised by Middleton, and Montrose retreated before him with considerable loss. Such was the general defection of the highlanders, that he had projected an expedition with a chosen

in Scotland.

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party, in order to extort their military services by military severities, when orders were received from Charles to disband his forces and depart from the kingdom. An indemnity was granted to his followers; with permission to himself and to his friends, to retire to the continent. Notwithstanding the remonstrances of the clergy, these terms, adjusted by Middleton, were strictly observed; and, after his forces were disbanded, Montrose was permitted to remain for a month unmolested in Scotland [9].

Negociations at Newcastle

Although the war was concluded, the conditions of pacification remained to be determined. The Scots endeavoured to mitigate the demands of parliament, which required that the militia, and the power to provide for its support, should be lodged with the two houses for twenty years. The other articles were not materially different from those proposed at the treaty of Uxbridge; namely, that the king should accept the covenant, and confirm the present reformation of the church. At this critical and decisive moment, however, the king was in no haste to answer the propositions which he had solicited, and which he must have foreseen. His situation was every way desperate; the parliament was every where victorious; but the Scottish commissioners conjured him in vain, to accept the propositions as his only preservation, and Loudon the chancellor represented with a forcible

[9] Wishart, Guthry's Mem. 216. Burnet's Mem. 280.

and offensive freedom, that a powerful republican party expected his refusal, as a signal to bereave him of his crown, and perhaps of his life [10]. Not to exasperate the parliament by an express refusal, he renewed his demand of a personal conference, and for nine months delayed to return a definitive answer; but his real interest and his actual motives, which are so irreconcilable at this important conjuncture, deserve a more particular examination than they have hitherto received.

The king's motives and real interest.

It was not to solicit refuge alone, but with the more insidious design of detaching the Scots from the interests of parliament, that he repaired to their camp, and expected to engage their arms in his service and support. Next to a frank unreserved submission, without respect to the divisons of parliament, perhaps the wisest policy would have been a steady and entire concurrence with that party which he proposed to gain. He was instructed by his friends, that, to attach the Scots, and the English presbyterians to his interest, depended entirely on himself. The former could not be expected to engage, unsupported, in a desperate war, nor the latter be persuaded to co-operate, without a confirmation of their church government, to which his assent alone would suffice to create a party superior to that of the independents, their mutual foes. Such was the judicious advice of his confidential ministers, which illus-

[10] Rushworth, vii. 809—19.

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trates the sound policy observed by the Scots. It was not less dishonourable to desert their original engagements, or even in conjunction with their allies to invert the original grounds of war, than improvident and frantick to undertake to restore his authority, unless assisted by a powerful party in England. Their requisitions therefore were necessary, not merely to gratify their bigotry, but to accomplish the original object of their confederacy, with advantage to the king. But the king was irreconcilable to the covenant, and unable to accede to the institution of presbytery; their sole bond of union with the English presbyterians, from whom every principle of honour, and every motive of true policy forbade them to separate. The prejudices of his early education were strengthened by his recent struggles, and confirmed by his misfortunes. He professed, in reply to his ministers, that in his eyes the change demanded in church government was more erroneous even than the Romish faith; for without episcopacy there was no lawful priesthood; no efficacious administration of sacraments; no acceptable service to God. To extenuate his own bigotry by political motives, he urged with a preposterous force of argument, that the genius of presbytery, which derived the supreme authority from the people, was incompatible with monarchy, and fertile only in perpetual rebellions; and that the dependence of the church would be quickly transferred from the crown to the two houses, or annihilated by

the divine right which the presbyterians assumed. In vain did his friends remind him, that he had no choice between different systems of ecclesiastical polity, adverse or advantageous to the regal power. In vain did his ministers represent, that he must determine whether to remain the king of a presbyterian church, or to renounce his crown from a vain predilection for episcopal government, with a certainty that another form would be substituted in its stead. They assured him, that if satisfaction were once given with regard to religion, the demand respecting the militia would be much relaxed; and they deplored in pathetic terms the perverse fatality that attended their sovereign, who rejected the only means of preservation that remained. Their remonstrances could procure no more than a tardy proposal to establish the presbyterian government for three years; yet even upon this unsatisfactory concession, he consulted the bishops of London and Sarum, two distinguished casuists, whether his assent to presbytery for a limited time could be reconciled to his conscience, and justified by a firm resolution to recover and maintain the episcopal church [11].

His controversy with Henderson.

Thus, when prompt decision was requisite, the time was industriously consumed in a distant correspondence with his ministers at Paris, and in the expectation of some providential change. For the same purpose, apparently, of delay, he engaged in

[11] Clarend. State Papers, ii. 249. 260—1. 277.

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a theological dispute with Henderson, in which the bigotry of the monarch, when driven from scripture to the authority of the fathers, seemed to transcend the fanaticism of the presbyter, and almost to approach the verge of an infallible church. The infirm and aged Henderson did not survive the controversy, and his death was variously ascribed to remorse for his share in the popular commotion, to the shame of defeat, or to his vexation at the obduracy of his royal antagonist. Originally educated for the episcopal, he was early converted to the presbyterian church; and, from his first opposition to the liturgy, he was distinguished as a leading clergyman; learned in all the theological disputes of the age; moderate when compared with his fanatical brethren; and eloquent above their allotted measures of divine inspiration [12].

Settlement with the Scots.

When the king's answer, requesting a personal conference was reported to the commons, it was justly considered as a refusal of their demands. The presbyterians were struck with apprehension; the independents, afraid that he might have closed with their enemies, were immoderate in their joy [13]. It has excited the surprise and the suspi-

[12] Charles' Works, 75. Baillie, ii. 219—33. See Lord Hailes' Collection of Memorials and Letters, ii. 184. Those who ascribed his death to remorse, have triumphantly published his death-bed recantation—the forgery of a Scotch episcopal divine! Stevenson's Hist. iii. 1144. Logan's Letter to Ruddiman. Edin. 1749.

[13] Burnet's Mem. 283. When the thanks of the commons

cion of historians, that the presbyterians, if sincere in their desire to unite with Charles, or the Scots, if solicitous to restore his authority, should persist in conditions to which he was determined never to accede. But their influence was by no means sufficient to moderate the severity of the former propositions, which had been framed to gratify every party; and in which it was necessary at once to fulfil the expectations of adherents, and to obviate whatsoever difficulties opponents might suggest. Such was the temper of the commons, whom nothing less than a frank unqualified assent could have satisfied, that it was difficult to prevent an immediate and irrevocable declaration against the king. The consideration of his answer was delayed by an opportune proposal from the Scottish commissioners, for the departure of their army, and the surrender of their garrisons, on obtaining satisfaction for the arrears that were due [14]. This negociation has been generally conjoined with another, for the disposal of the king, whose person the Scots are supposed to have retained as the pledge, and to have surrendered as the tacit consideration, and price of their arrears. The two houses had already claimed the exclusive disposal of his person; and as the Scots had no

were voted to the commissioners, a member remarked that more thanks were due to the king. On one member's inquiring in private, What will become of us, since the king refuses the propositions? another, (an independent) replied, Nay, what would have become of *us*, had he granted them?

[14] Baillie, ii. 226.

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1646.

other expedient to recover their arrears, the transactions are considered as identical, though from motives of delicacy they were kept distinct. Upon this subject I am sensible, that there is equal danger of incurring, on the one hand, the imputation of national partiality and prejudice, or of having acquiesced on the other, without due examination, in the received opinion; but the fidelity of the historian will be absolved by an accurate explanation of each transaction in the order of time, the best criterion perhaps of historical truth.

Their arrears. August 12.

The retreat then of the Scots, and the discharge of their arrears, were proposed in August, to prevent an immediate declaration of the commons against the king. Their demands exceeded a million; after the deduction of free quarters, contributions, and occasional pay, which were estimated by themselves at seven, and by the English at fourteen, hundred thousand pounds. Their demands were exorbitant; but the deductions claimed by the English were not less unreasonable. A gross sum was proposed, and on the first of September the amount of arrears was fixed at four hundred thousand pounds; a moiety of which was to be advanced, before the departure of their army [15].

Sept. 1.

Sept. 18. Disposal of the king's person.

On the eighteenth of September, the commons resolved, that the disposal of the king's person belonged exclusively to the two houses, but that no consultation nor dispute on the subject should

[15] Parliamentary Hist. xv. 67. Rushw. vii. 822. 6.

obstruct the performance of treaties, or the return of the Scots. The resolution was communicated to the Scottish commissioners; and was resented in a manner sufficient to demonstrate, that it had not entered into consideration in the settlement of arrears. At a solemn conference, Loudon, Lauderdale, and Wariston asserted their national right to an equal and joint share in the disposal of the king; they maintained that their interest in his person was not extinguished by his residence in England, especially as they were parties, not auxiliaries, in the war; they disclaimed the intention of conducting him to Scotland, as a measure obviously replete with danger; and proposed as a safer alternative, that he should be permitted either to return to parliament, or to reside with safety and with honour, at one of his own houses near the capital. Their speeches and remonstrances were surreptitiously published; but the printer was arrested, and the impression was seized and suppressed. When republished afterwards by their connivance in Scotland, their arguments extorted a long vindication in return from the commons, who insisted that the king's person was included, while in England, within the jurisdiction, and subject to the disposal, of the parliament alone. The question was certainly without a precedent [16]; but the answer of a single

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Oct. 1, 6, 10. Disputed by the Scots.

[16] Parliamentary Hist. xv. 322—36. Guthrie's Memoirs. It was compared, by the fantastic eloquence of the times, to the contest for the dead body of Patroclus.

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branch of the legislature was punctiliously rejected by the Scottish commissioners, whose conduct, in a dispute irreconcilable with the supposition of a secret bargain, fully exculpates them from any previous compromise for the delivery of the king.

Scottish parliament meets Nov.

The amount of the arrears was adjusted in August, but when the Scottish parliament met in November, the disposal of the royal person remained undetermined. The duke of Hamilton, who had obtained his release on the surrender of Mount St. Michael, was received again into favour, and employed to conciliate the estates to his interest; and it was still the unanimous opinion of his friends, as well as of the presbyterians, that he should accept the propositions, or at least afford full satisfaction on the subject of religion. Addresses had been presented from every quarter; the Scottish army, the commission of the church, and the committee of estates had petitioned Charles to establish religion according to the covenant; and Hamilton earnestly concurred in their representations, that the covenant alone would suffice for his preservation. Such was the estimation in which it was still held, that if, without violating his conscience by receiving it himself, he had assented merely to an act for its confirmation in each kingdom, all Scotland would have declared in his favour, and, in the opinion of the presbyterians, few in England would have ventured to oppose the restitution of a limited

power. But his inflexible refusal of every proposition increased their distrust, that he continued secretly devoted to the religious and political maxims of Laud, and desired admittance into Scotland with a design to renew hostilities, and by the violation of their covenant, to involve the nation in a dangerous war [17]. The intrigues of Hamilton were, therefore, unsuccessful. A vote was obtained by surprise, in a committee of the whole estates, to maintain the personal freedom of their king, and his hereditary right to the throne of England; but it appears that this untimely excess of zeal, from the alarm which it excited, was prejudicial to his cause [18]. The minds of men were variously agitated by the most opposite sentiments. It was represented by Hamilton as repugnant to the covenant to abandon their sovereign, and dishonourable to the nation to resign their interest in an ancient and long established succession of kings. Was this a grateful return for his unlimited concessions before the war, or for the confidence reposed in their generosity, when he entrusted his person unconditionally to their protection? Were they prepared for the censures of the world, or aware of the danger to be appre-

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Dec. 16.

[17] Burnet's Mem. 277—81. 303—8. Baillie, ii. 212, 3. 53.

[18] The partiality of bishop Guthrie is conspicuous, in omitting all mention of this vote, in order to excite against Hamilton, who procured it, the suspicion of a treacherous collusion with the other party.

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hended from the party predominant in England, if his person were surrendered to his inveterate foes? But the resolution was no sooner adopted by the committee, than other sentiments began to predominate. That devoted and mixed attachment to the family and to the person of the monarch, which constitutes loyalty, and which has never been firmly established in Scotland, was lost in a succession of civil wars. It was still remembered, that the two first had been wantonly undertaken in order to deprive them of their civil and religious rights. If these were afterwards confirmed by Charles, what thanks were due for concessions which were meant as bribes to lull them into an insecure neutrality, till the English parliament was oppressed by his arms; and which must have been revoked on its subjection, unless they had reasonably interposed in the war? What gratitude could be claimed for the unconditional refuge which he sought in their camp, when no alternative remained but to surrender at discretion, and when his only motive was to prolong the war by their resources and arms? The reception which he demanded in Scotland, on the return of their army, was dictated by the same design of involving the nation in a new war for his support. Whatever the event of such a war might prove, their ruin was inevitable, whether the malignants, (as the royalists were still denominated,) should regain their ascendency, or the English should suc-

ceed in chastising their perfidious dereliction of the covenant.

These considerations were enforced by a solemn warning from the commission of the church, that their assistance in restoring the king would be unlawful, unless the covenant and league with England should receive his cordial assent, and his subjects full satisfaction in their just desires. The parliament hastened to retract the vote of the preceding day. As a last effort, commissioners were appointed from each estate, to intimate to the king, that unless the propositions were accepted, he had no reception nor assistance to expect in Scotland. Instead of returning a definitive answer, Charles, on the first notice of this resolution, renewed his application for a personal conference with the English parliament. He desired permission to proceed to London, or to reside with freedom at one of his own palaces in the neighbourhood; and the lords resolved, that he might come to Newmarket on the departure of the Scots, but the commons determined that Holdenby-house in Northamptonshire was fitter for his reception [19].

Its resolves.

Dec. 10.

At this period we are informed by Whitlock, that a mutual understanding first took place for the delivery of the king [20]. The disposal of his person was every way difficult; his removal to Scotland was an event which the independents

Dec. 24. Surrender of the king's person.

[19] Burnet's Mem. 806—10. 393. Rushw. vii. 890.

[20] Whitlock, 235.

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expected, and which the presbyterians justly deprecated as the signal of a national war. It was dangerous to leave him exposed to the English army; and the wisest measure undoubtedly was to provide at once for his reception in London. Whether his return to the capital was opposed by the presbyterians, who were apprehensive of his intrigues, or by the independents, who were jealous of the possession of his person, must remain uncertain. But we are assured by one, who was privy to the whole transaction, that Stapleton, Hollis, and the leading presbyterians were the chief instruments in persuading the Scots to surrender the king into their hands, and to withdraw from England, as the only means by which the independent army now kept on foot in opposition to theirs, could be securely disbanded, and peace re-established according to their desires [21]. Their army prepared accordingly to evacuate England, as soon as a sum was provided for the discharge of half their arrears. Their parliament concurred in the removal of Charles to Holdenby-house, till a more satisfactory answer was obtained to the propositions for peace. Their arrears were undoubtedly due: the amount was ascertained before the dispute concerning the disposal, and the payment was undertaken by the English parliament, five months previous to the delivery of the king. But the coincidence, however unavoidable,

[21] Baillie, ii. 257. compared with Hollis' Mem. 63. 69. and Clarend. v. 104. Whitlock, 224. See Note XII.

between that event and the actual discharge and departure of their army, still affords a presumptive proof of the disgraceful imputation of having sold their king; "as the English, unless previously assured of receiving his person, would "never have relinquished a sum so considerable "as to weaken themselves, while it strengthened "a people with whom such a material question "remained to be discussed."

The necessities of their situation, or the danger of conducting him to Scotland, are no answer to this forcible objection. A better vindication is contained in the uniform tenor of their political conduct, and in the unvaried object of their most secret intrigues. They had received the king, with no view certainly to renew the war, but in the expectation, and on the assurance of full satisfaction to the two kingdoms; and without a perfidious violation of their compact with the English parliament, they could neither conclude a separate peace, nor engage in his defence, unless their joint demands were obtained. But they offered to reinstate him on the throne, if their original demands were granted respecting the covenant and the presbyterian church, together with some satisfactory answer to the other propositions; and on this subject the importunities of their commissioners never ceased. The addresses of their parliament were reiterated during the months of November, December, and January, while the disposal of his person remained in agitation. On the very eve of their departure, before the deli-

examined.

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very of his person, the commissioners earnestly renewed their offers to conduct him to Berwick, and to procure more equitable terms from the English parliament, on his assent to the covenant, and the presbyterian government; and a large bribe was proposed to Montreville, to obtain even a bare promise of his compliance with their religious demands [22]. The fact is this; their situation was so peculiar that they could neither retain nor relinquish the possession of his person, without incurring the imputation of treachery to the parliament, or of disloyalty to the king. To the parliament, at least, they were steadfast in their engagements; and their repeated offers, renewed even at the period of their departure, to undertake his defence on the only terms consistent with their original compact, their religious principles, or their political interests, should absolve them from the charge of having sold their king, or retained his person as a pledge to extort their arrears.

1647.

He is delivered to the English

The ill-fated monarch was received at Newcastle, and conducted to Holdenby by the English commissioners. The Scottish army returned home, and was reduced without a murmur to a force sufficient for the protection of the kingdom, where hostilities still continued notwithstanding the departure of Montrose. The Gordons who had refused to assist him, were still in arms: the

[22] Thurloe, State Papers, i. 87. Burnet's Mem. 310. Rescinded Acts.

Macdonalds who had deserted his standard, and were joined by the Irish, prolonged their fierce depredations in Argyleshire; but the former were dispersed, and their castles successively reduced by Lesly; the latter retired on his approach, from Kintire to Isla; thence they made their escape to Ireland, and at the instigation, it is said, of a sanguinary preacher, two hundred who remained in garrison were put to death [23].

On the return of their army the Scots became distant, but not indifferent spectators of the changing scene. Their eyes were steadfastly fixed on the transactions of England, with which their fate appeared to be indissolubly blended; and they watched the vicissitudes of its factions, rather with the trembling solicitude of partisans, than with the jealous vigilance of a rival state. Their forces had been withdrawn, to remove the last pretext for supporting an independent army, and they looked forward with anxious expectation for the execution of the design. While they remained in England, the independents were careful to appear submissive to government; and the presbyterians, confiding in their own strength and in the authority of parliament, had proposed to disband a part of the army, and to transport the remainder to Ireland. The accumulated and oppressive burdens of the nation furnished a popular topic for reducing the army; but the presby-

Discontent of the English army.

[23] Thurloe's State Papers, i. 89. 92. Salmonet, 253, 4. Guthrie's Mem.

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terians were ignorant that the easiest task was to retain its obedience during the civil wars, the most difficult to resolve it afterwards into the mass of the people. The independents expected the event of their negociations with Charles; and observing that their principal object was the extirpation of sectaries, were determinated never to relinquish the possession of the sword. The officers, mostly raised from obscure situations, were unwilling, and probably unable, to return to their pristine occupations and poverty; the soldiers were equally averse from a dangerous and unprofitable service in Ireland; and such was the improvident security of parliament, that no provision was yet made for the discharge of their arrears. But their allegiance was already shaken and subverted by religious enthusiasm; a powerful instrument in the hands of their commanders, to estrange them from parliament; and when the soldiers and their officers were both devoted to a different party, it was impossible either to preserve their obedience, or to disband them without the destruction of their masters.

Their mutinous petitions

The first symptom of discontent appeared in a petition which was circulated from regiment to regiment, soliciting an indemnity for their conduct during the war, satisfaction for their arrears, and an exemption from being impressed for the service in Ireland. The commons resented a mutinous attempt to inspire the army with discord, and the parliament with terror. To suppress at

once such dangerous combinations, they threatened to punish the promoters of the petition as enemies and disturbers of the public weal; but by this rash and dangerous experiment, the civil authority was involved in an unequal contest with the military power. The soldiers complained that, while every petition was encouraged against the army, they whose swords had recovered the national liberties, were deprived of the common right of Englishmen to represent their wrongs; and when commissioners arrived from parliament, they renewed their demands of arrears, indemnity, and maintenance in Ireland; and refused to engage in that perilous service, unless under Fairfax and Cromwell, their former commanders, whose successful conduct they had so long experienced. Their petitions were resumed; and they requested in a tone of imperious humility, to be vindicated from the reproach of prescribing to parliament, and of refusing to serve in Ireland till their desires were obtained. The magnitude, not the origin of the danger, was now perceived. The commons, who had voted to disband the army with six weeks pay, passed with the same precipitation to conciliatory measures; and Cromwell, Ireton, and Fleetwood, were dispatched to appease its distempers; members who, in opposition to the self-denying ordinance, had retained their command. Every disorder in the army had originated from their contrivance; and at their instigation a coun-

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cil of general officers was formed, together with a separate committee of two agitators from each company, to collect a faithful report of the sentiments of the troops. The first resolves of this military tribunal were that the offers of the parliament were unsatisfactory; and that no distempers, but on the contrary, that many grievances existed in the army; and from that moment its disaffection became incurable. The next enterprise, which was still more decisive, was intended perhaps to counteract a vigorous resolution of the commons, who had determined that the troops which refused to embark for Ireland should be separately disbanded [24].

Seize the king.

The king's refusal of the propositions had been partly conscientious, partly the result of private overtures, or the hopes of better terms from the independents. His answer was received after the interval of nine months; and though it was far from corresponding with the demands or expectations of parliament, yet at this critical period there was some chance of an accommodation with the king. The lords had voted his removal to Oatlands; and if the commons had concurred in the measure, the independents might still have been disappointed, and the royal prize secured from their grasp. At an earlier period of the dispute, he had been requested to entrust his person with

[24] Rushw. vii. 441—72—4—80—5—7—93. Hollis, 93. Whitlock, 249—51.

the army, under an assurance of its assistance to restore him to the throne[25]; and the agitators prepared to solicit, by a gentle violence, what the king from mistrust or apprehension had declined. Joice, a cornet and a furious agitator, appeared with a party of horse at Holdenby; and as the guards refused to oppose or exclude their companions, forced his way at midnight to the door of the royal apartment. In the morning he required the king to remove to the army, and when his instructions were demanded, he produced his soldiers. The opposition of the parliamentary commissioners was unavailing, and with a promise of the most respectful usage, Charles consented to depart for Newmarket, where a general muster of the army was held. On the first notice of the enterprise, Whalley, a confidential officer, was dispatched by Fairfax with two regiments, to restore the king to the parliamentary commissioners, and to reconvey them to Holdenby; but the king was resolute not to return. Upon his refusal, the commissioners declined to act, and his reply next day to the entreaties of Fairfax, that he had as much interest in the army as the general

BOOK V. 1647. June 4.

[25] Clatend. State Papers, ii. 385. Rushw. vii. 491. His answer is remarkable. "We will not engage our poor people in another war. Too much blood hath been shed already. The Lord be merciful to my distracted kingdoms, when he accounts with them for rebellion and blood." Clar. ibid. This humane declaration was forgotten in his engagement with the Scots, when the civil wars were renewed.

BOOK V.

1647. Submission of parliament.

himself, may confirm the transient suspicion of historians, that he was privy to its designs [26].

The measure was secretly dictated by Cromwell, who had preserved the guise of a zealous presbyterian, and while he cherished and inflamed the discontents of the army, with profound dissimulation, impelled the parliament to the most dangerous extremes. When his duplicity began to be generally suspected, and a resolution was privately taken to commit him to the Tower, he withdrew from London, to display his influence in the army, and his ascendency over the unsuspecting simplicity of the general [27]. His troops were immediately in motion, and the consternation excited in the parliament and city, by their seizure of the king, was increased by their rapid approach to St. Alban's. The progressive encroachments of the army, the unavailing resistance and submission of parliament, are foreign to our design. The commons, unpopular from their heavy impositions, and unexampled duration, were content to yield. Their levies were dismissed, and the army, in order to preserve appearances, condescended to retire; when eleven members, Hollis, Stapleton, and the leading presbyterians, were excluded from their seats. The parliament proposed to

[26] Whitlock, 253. Herbert's Mem. 22. Rushw. vii. 514—46. Fairfax's Mem.

[27] Hollis, 96. Ludlow, i. 135.

temporise till the army was broken, but the army meant to reduce the parliament to more entire subjection. BOOK V. 1647.

Amidst these dissensions, the king regained a share of his former estimation, and enjoyed a near prospect of the return of power. His friends were admitted to his presence without reserve. His younger children were restored to his embraces. His former attendants were permitted to return, and his chaplains to resume their functions; an indulgence which the stern presbyterians had denied. The army guarded his person with vigilance, but endeavoured to secure his favour by the most flattering respect. On each side his favour was industriously courted, and apparently nothing more was requisite than to choose the party which was best qualified, or disposed, to restore him to the throne. The presbyterians, apprehensive of an accommodation between him and their enemies, were inclined to relax in their demands; but they no longer retained the possession of his person, or the command of the sword. An accommodation with the independents who had succeeded to both, was preferable in every point of view; their demand of toleration was not inconsistent with a limited episcopacy, and in disclaiming the authority, their army had declared against the perpetual duration of the present parliament. Unhappily for Charles, he persisted in his resolution not to close with either; and while he remained a captive in the hands of his enemies, he still expected The king's situation favourable.

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to become sole umpire between the parliament and the army [28], and from their mutual dissensions to recover his splendour and power.

His negociations with the army;

His negociations with the army were conducted by Berkley, and the proposals framed by Ireton, were certainly the most moderate ever offered to the king. It was neither required that episcopacy should be abolished, nor that the militia should be entirely detached from the crown. The royalists were not devoted to ruin [29]; but when the proposals were privately communicated to Charles, he objected to the exception of seven of his chief adherents from indemnity or pardon, to the exclusion of his party from the next parliament, and to the silence of the propositions respecting the form

[28] "You mean," said Ireton to the king, "to be arbiter between the parliament and us, but that office we mean to perform between your majesty and the parliament." Sir John Berkley's Memoirs, 15.

[29] The proposals of the army exhibit a specious scheme both for the preservation of liberty, and for the settlement of the nation. Parliaments were to be triennially called, adjourned, and dissolved by the king. An equal representation, freely chosen, was to be proportioned according to the public contributions of the counties, and to be withdrawn from decayed or insignificant towns. The command of the militia, and the disposal of the chief offices of state, were to be lodged with the two houses for ten years. The coercive jurisdiction of bishops was to be abolished, together with every act for the observance of the liturgy, and every ordinance to enforce the covenant. With these limitations, the king was to be restored to the exercise of his regal power. Rushw. vii. 731. These were certainly the most moderate terms ever offered to Charles.

of ecclesiastical government. Such unreasonable conditions, he observed with displeasure, would never be demanded if the army were sincerely desirous of an accommodation. Some distinction should be made, said Ireton, between the conquerors and the vanquished; nor should he consider himself or his party as safe, if the royalists obtained a majority in parliament. If the propositions had been less rigorous, Berkley justly represented that their sincerity might be distrusted; that a crown so nearly lost, was never hitherto so cheaply restored; that the king by his return to power, would be enabled to alleviate, or even to recompense the exile of the seven persons excepted from pardon; that it would be advantageous to his party to have no share in the next parliament, which by the burdens it must necessarily impose would be rendered odious to the nation; that the church was still secured by the established laws, and the utmost to be expected was the silence of those who had fought for its destruction. Instead of assenting to those rational considerations, he renewed the same objections to the propositions when presented in form; received the deputies of the army with unexpected asperity; professed his resolution never more to abandon a friend, nor to treat without stipulating for the preservation of the church; and imputing their applications to the necessities of their situation, exclaimed repeatedly, "you cannot be without me; you will fall to ruin if I do not sustain you." When admo-

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nished, however, by a whisper from Berkley, he endeavoured to atone for his ungracious and passionate reception of the deputies; but Rainsborough, the least desirous of an accommodation, had withdrawn from the conference, and his report to the agitators produced an impression which was never effaced. Berkley endeavoured to appease the ferment, and on his demanding at a new conference, what benefit would result from the propositions, if they were rejected by the two houses when accepted by the king, the principal officers intimated, not obscurely, that the consent of parliament should then be extorted by force [30].

and with Cromwell and Ireton.

During the treaty with the army, whose proposals were thus contumeliously rejected, a subordinate intrigue was maintained with the generals. The lieutenancy of Ireland was promised to Ireton; to Cromwell, his father in law, the command of the army, the garter, and the vacant title of earl of Essex. They conjured Charles, through the intervention of Berkley, to assent to a speedy accommodation with the army; they complained that he did not act frankly, upon liberal principles, and without reserve; and expressed their gratitude for his refusal of the terms proposed by parliament, and their apprehensions that the troops,

[30] Berkley's Mem. 30—6. See also Clarendon, v. 72. who affects to depreciate Berkley's judgment. But if scrupulous in facts, his opinions are always apologetical, and here they are influenced by the different conduct which Charles adopted.

if disappointed in their expectations, would not long persist in their favourable disposition towards the king. In these professions, their sincerity has been denied; but there is no reason to doubt of their present design to restore him to power. Whatsoever ambition or dissimulation they might possess, the parliament, the city, and the Scots, were combined against them, and it was impossible to foresee their own unexampled exaltation and success. A conjunction with the royalists seemed necessary for their preservation; but the king, from the perception of that necessity, declined or delayed to embrace their offers, and was induced, as will appear in the sequel, to indulge in all the dangerous refinements of double and triple negociations and intrigues.

Army enters London.

The parliament had acquiesced, in the expectation of a favourable opportunity to recover its authority; but the violence of its adherents disappointed this judicious design. The command of the city militia was transferred to the independents, at the requisition of the army; but the citizens were instigated by the presbyterians to resist the change. An engagement was framed for the return of the king, and the two houses were constrained by the populace to revoke their ordinance respecting the militia, and to recall the excluded members to their seats. This tumult furnished a grateful pretext for the approach of the army, to vindicate the insulted freedom of parliament. Its members, unable any longer to tem-

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porise, endeavoured to prepare for a vigorous defence. But the two speakers withdrew by night, with nineteen peers and an hundred commoners; and, invested with the ensigns of their office, were received in the army as the last pledge of expiring freedom. As Manchester and Lenthal were both presbyterians, their unexpected secession was justly ascribed to a firm persuasion that the army intended to restore the king [31]. The commanders were certainly not inattentive to his interest. No sooner was the possession of London anticipated, than Cromwell and Ireton earnestly requested that a conciliatory letter, if not an acceptance of the propositions, should be sent to the army, to disclaim the tumults, and the imputation of any desire to return to the capital by such unjustifiable means. They represented that a favourable declaration might still reconcile the army to his interest, before the submission of the city was generally understood. But it is observable that the minutest concessions of Charles, as they were ever granted with suspicious reluctance, were ever postponed till the opportunity was past. Four councils were held, and a whole day was consumed in deliberation, before his signature was obtained. Commissioners had already arrived from the city; the difficulty with which the letter was procured had transpired, and its grace and efficacy were entirely lost [32]. When

[31] Clarend. v. 63.

[32] Berkley's Mem. 38. Rushw. viii. 753. Clarend. State Papers, ii. 373. Parl. Hist. xv. 205.

the army was admitted into Southwark, the pusillanimous citizens surrendered their lines, their militia, and their forts; the seceding members were restored in triumph; the eleven obnoxious members were expelled, and the servitude of parliament was confirmed by the sword. 1647.

Negociations with the parliament,

At the requisition of the Scottish commissioners, the parliament resumed the propositions rejected at Newcastle; but the king recurred to the milder proposals of the army, as the basis of a conference and of a public settlement. On this occasion, it appears that Cromwell, Vane, and Ireton, acquitted themselves with fidelity to the king[33]. They recommended a personal treaty and accommodation on moderate terms; but the suspicion of their intriguing to procure a separate agreement for themselves, had excited a violent agitation in the army, and a vigorous and unexpected opposition in parliament. Whatever might be imposed upon the members, the agitators were to be satisfied with nothing less than their original demands.

and the Scots.

That the proposals of the army were declined by Charles, when so favourable from the tacit recognition of episcopacy, and the final return of the sword to the crown, must be ascribed to the fallacious expectations upon which he relied. The duke of Hamilton was employed in Scotland, to prepare the minds of the people for his service; and the assurances given by Lauderdale and by the

[33] Ludlow, i. 184. Berkley, 43.

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English presbyterians, of a general confederacy to resist the army, had inspired him with the most sanguine hopes of becoming sole umpire amidst their disputes. The earls of Lanark and Lauderdale had arrived, as commissioners from the Scottish estates; and, during the negociations with the army, a clandestine treaty was begun with Charles, on his removal to Hampton court. His designs are explained in his instructions to Capel; that a war might be soon expected between the two nations, in which the Scots had promised themselves the universal concurrence of the presbyterians in England, but unless his friends were also prepared to take arms, little benefit could be derived from their success [34]. The seizure of his person, the subjugation of parliament by the army, and the decline and contemptuous disregard of the covenant, had furnished successive causes of national disgust; and a foundation was now laid for that memorable *Engagement* [35], which involved the nations in mutual hostilities and in a second civil war. Double negociations are liable, even in the most prosperous situations, to the just reproach of duplicity and fraud; but in listening to these negociations while a captive, Charles forgot the precarious tenure by which his life was held. Whatsoever designs may be inferred from the subsequent conduct of the independents or of the army, their leaders had not yet forfeited that confidence which

[34] Clarend. v. 70. [35] Id. 72. Burnet's Mem. 323.

is due from man to man. They had reason therefore to complain of treachery, when they discovered that, during the dependence of their negociations with Charles, a clandestine treaty with their enemies had been commenced for their destruction. Such contemporary historians, as assert that Cromwell was seriously desirous of an agreement with the king, have ascribed his sudden defection to the fury of the agitators which was so speedily quelled. The concurrent voice of tradition has preserved and attested a very different fact. A letter intercepted by Cromwell, from Charles to the queen, disclosed correspondence which he maintained with both parties, the insincerity of his offers to the leading independents, and his final intention to close with the Scots; and this letter determined Cromwell never to confide in the king again. The fact is confirmed by his expostulations with Ashburnham, whom he upbraided with the intrigues and duplicity of Charles; with his mistrust of the army and his treaty with the Scots to involve the nation again in bloodshed; and protested, that he was no longer responsible for the consequences that might ensue [36]. From that moment the respectful attention hitherto bestowed on majesty, was converted into cold and rude neglect. The Scottish commissioners, and such of his counsellors as had determined against the army, were excluded from his

[36] Clarendon, v. 75. See Note XIII.

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presence; his friends were repulsed, and his personal liberty was restrained by the guards.

1647. The king's escape to the isle of Wight.

Impatient of a situation full of inquietude, he escaped from Hampton court, and was conducted by his own choice, or by the indiscretion of his attendants, to Carisbrook castle in the Isle of Wight. There he remained a prisoner in the custody of Hammond; expecting the result of the dissensions among the troops. The mutinies, which the officers had excited in opposition to parliament, began to be directed against themselves. The agitators, when their meetings were discontinued, began to suspect their commanders, to project the most popular forms of government, and (might we believe their adversaries) to meditate an entire equality of ranks and possessions. It may be speciously alleged that those invidious distinctions of rank, which the progress of society tends to generate, the operations of good government should rather serve to repress than to perpetuate: but equality of possessions would counteract the security of property, one of the primary objects for which society was instituted. The levellers, however, the name by which the soldiers tinged with a deeper enthusiasm were stigmatized, were soon quelled by the vigorous arm of Cromwell. At the head of some faithful troops he required them to renounce their seditious badges; seized their ringleaders, whom he tried on the spot, and by a severe example reduced the rest to their wonted obedience. This opportunity

was embraced by Charles to renew his correspondence with the general officers; but Berkley, his emissary, was received with contempt, and dismissed with a private intimation, that at a council of war held at Windsor, a resolution had been already formed for the trial of the king. The resolution was certainly premature, as the nation was not yet disposed to acquiesce in the event, and as it was first agitated when the letter to the queen was intercepted by Cromwell, so in all probability it was industriously communicated in order to deter the king from an alliance with the Scots. If instead of a second unsuccessful appeal to the sword he had continued seriously to negociate for peace, we may affirm with truth, that his trial would have been prevented and his life preserved [37].

Treaty with parliament evaded.

His desire to conclude an alliance with the Scots prevented his escape, while it was yet practicable, from the Isle of Wight. On his offer to resign the militia during his reign, the parliament condescended to a personal treaty, when his assent to four preliminary bills was obtained. The command of militia was required to be vested in the two houses for twenty years, nor was it afterwards to be exerted without their consent: the peers created at Oxford were to be deprived of their titles, and the parliament to be empowered to adjourn from place to place. These preliminaries

[37] Whitlock, 280. Ludlow, i. 192. Clarend. v. 87. Rushw. viii. 918. Berkley's Mem. 70—2. Clarend. v. 92.

BOOK V. were severe, if the vanquished could have expected an accommodation upon equal terms; but under the influence of the army, they were the last which the parliament was disposed to grant. When compared with the proposals of the army they were rigorous; with the conditions offered at Newcastle, lenient; since the covenant was silently disregarded, and the church was reserved as an article susceptible of future modification [38]. The difference was immaterial between the surrender of the militia during his reign, or for twenty years; and although its return to the crown was precarious, the last offers of negociation were preferable to the eventful, and to a captive monarch, the unprofitable result of a new war. Perhaps he was actuated by the conscientious desire of transmitting the prerogative bequeathed by his father, entire to his son; or in his estimation, perhaps it was more glorious to perish in the ruins, than to renounce the attempt; nor should the motives of a high-spirited heroical prince be too rigorously scrutinized, if the public tranquillity, and the lives of thousands had not unfortunately depended on the event.

Clandestine treaty with the Scots. But the fact is, that the king was partial to the overtures of the Scottish commissioners, who had obtained access with the English to accomplish their unfinished negociations, under the pretext of protesting in his presence against the four bills. The treaty was concluded in a few hours; and had

[38] Charles' Works, 509, 10.

the articles been sincere, we might have justly animadverted on the delay of every concession till it was no longer serviceable. The king agreed to confirm the covenant in parliament, which might have sufficed for his preservation while he remained in the Scottish camp. He consented to establish the presbyterian church government for three years, till it was revised, or another form was prepared by the assembly of divines. He promised to concur in the extirpation of sectaries, and to admit the Scots to a communication of every commercial privilege, and to a large share of the emoluments and honours conferred by the crown. Their commissioners engaged in return, to assert and restore his authority by arms, and not only the assistance of the English presbyterians was expected, but the co-operation of Ormond in Ireland, and of the royalists in England, was tacitly understood. These concessions, however, were confessedly insincere. They were demanded as nothing less would satisfy the Scots, or reconcile them to his interest, and were promised without scruple or reserve, on the assurance of their commissioners, that if the royalists were once in arms, the performance of conditions which none could enforce, would be left implicitly to the discretion of the king. The treaty, inclosed in a sheet of lead, was buried in a garden, and transmitted to the Scottish commissioners on their return to London. His answer to the English commissioners was sealed up and addressed to par-

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liament; as his refusal might excite their suspicions of his intended flight. But the commissioners, who discerned his intentions, rejected an answer of which the contents were unknown; and abruptly departed, when it was opened and disclosed. His attendants were immeditely dismissed; the guards were redoubled, and the most jealous precautions were employed to prevent his escape[39].

Its effects on the English parliament.

When the answer was reported to the commons, it was obvious that during their negociations with Charles, a secret treaty had been concluded with the Scots, and that he was meditating his escape, in order to renew in person a destructive war. The members who had hitherto mentioned his name with respect, vied with each other in the most bitter invectives; and Cromwell in particular, proclaimed aloud his dissimulation and duplicity in terms which corroborate the intercepted letter. He acknowledged the talents and understanding of the king, but declared that he was a dissembler whom it was impossible to trust; that he professed the most solemn and entire dependence on the wisdom of the two houses, to compose the public distractions, at the instant when he was maintaining an insidious negociation with the Scottish commissioners, to involve the nation in a new war for the destruction of parliament. A resolution was adopted, at the instigation of the independents, that in the settlement of the nation no

[39] Clarend. v. 103. 8. Burnet's Mem. 333, 4. Ludlow, i. 201. Clarend. v. 88. Berkley's Mem. 87. 91.

addresses should be made to Charles, nor any applications received from him; and from that moment the king was justly considered as dethroned[40]. Every violence was supposed to be justified by his engagement with the Scots, which his warmest advocates are unable to vindicate, or to reconcile with the dictates of humanity, of good faith, or of sound discretion. The experiment of arms had been fully tried, and its destructive consequences should have prevented a renewal of national calamities. The treaty perhaps was advisable, while his person was retained by the Scots at Newcastle, as the presence of their army, and the authority of their friends in parliament, might have restored him, without bloodshed, to a limited share of power. But the proposals both of the Scots, and of the English army, were rejected while he remained in the custody of either, and a clandestine engagement was concluded with the former, when he was reduced to the hopeless situation of a captive prince. The preliminary demands of parliament were undoubtedly rigorous; but double negociations were injurious to his reputation, and his assent to the four bills was dreaded by the republicans, as a measure conducive to the recovery of his former power[41]. The popularity

[40] Clarend. 91, 2. Rushw. 953. 98. Whitlock, 287.

[41] Ludlow, 41. 194. It is with regret that I observe in Hume, the *artful* separation of the Engagement with the Scots, from the negociations with the English commissioners in the Isle of Wight.

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of the commons had declined; and as that of the army was transient, amidst their future dissensions, the return of authority, and in proportion to his present degredation, the reflux of popular favour, might have justly been expected; a tribute seldom denied to unfortunate kings.

Parties in Scotland.

The Engagement, as the treaty was afterwards denominated, still remained to be imposed upon the Scots. The task was the more difficult, as it was contracted by commissioners to the English parliament, who had no authority to negociate with the king. The dark and impetuous Lauderdale, a presbyterian and a covenanter, had become a recent proselyte to the royal cause; and his influence united with that of Lanark the secretary, and aided by a seasonable gift from the crown, had persuaded Loudon, the necessitous chancellor, to concur in their designs. Having confirmed the hopes of their confederates in England, they returned to promulgate the engagement in the approaching triennial parliament, for which every preparation was made to secure a majority of votes. Instead of that general confederacy which had hitherto subsisted, for the preservation of the covenant against malignants, three parties are at this period distinguished in Scotland. The *wild* presbyterians, under the guidance of Argyle and Wariston, were averse from a war with England, or the restoration of the king, unless full satisfaction in religion were previously obtained. The *moderate* presbyterians whom Hamilton had formed into a

regular party, were equally intolerant, but were actuated by an impatient desire to repress the sectaries, and to restore the English presbyterians together with the king. The royalists, under Traquair and Callendar, an inconsiderable party, were eager to restore him without restrictions. From their own violence the wilder presbyterians had declined in popularity; and Argyle, their leader, was accused of aspiring to the rude and doubtful state of an independent chieftain, or suspected of a design more truly ambitious, of establishing in Scotland, as in Holland, an aristocratical or mixed republic of the different estates. From the odious, though unforeseen consequences of the surrender of the king, the moderate presbyterians, if indeed they can deserve that name, had acquired a large majority in the new parliament; and Hamilton and his brother professed, with an unfelt zeal, to prosecute the ends of the covenant in restoring the king. But their adversaries were securely entrenched in the church; and when the assembly reared its head in opposition to the parliament, the nation, disunited and deprived of energy, became an easy prey to its inveterate foes [49].

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As Charles was permitted to declare, by a species of defeasance which betrayed itself, that he was not obliged to present any bills, or to express a desire for the introduction of the presbyterian church government into England, the clergy

Opposition of the clergy.

[49] Burnet's Mem. 336. Thurloe's State Papers, i. 74. Walker's Appen. to the Hist. of Independency, p. 8.

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justly deemed his concessions insincere. In the hour of victory, and amidst the returning tide of dominion, who would attempt, or what power could accomplish, the ungracious task in opposition to the king? Their apprehensions were augmented by the frequent resort of the royalists to Scotland: and their opposition was confirmed by the arrival of commissioners, and perhaps by the secret distribution of English gold. Their pulpits resounded loudly against malignants, but more softly against sectaries; and before the meeting of the new parliament, a declaration was prepared against the concessions as unsatisfactory, and against an association with the disaffected as dangerous both to the church and to the state. Although not averse to a war for restoring the king on the terms of the covenant, they comprehended at once the design of permitting the royalists to appear in arms, and preferred the reign of the sectaries in England, to the triumph and the ascendency of the malignants at home [43].

Parliament,

At the opening of parliament, the seizure of the king and the subjection of the two houses by the army, the exclusion of the Scots from any share in their deliberations or access to his person, were enumerated as direct violations of the covenant, sufficient to justify a national war. The estates were assured that, on the appearance of their army, all England, a few sectaries excepted, would con-

[43] Clarendon, v. 108. Baillie, ii. 281. Guth. Mem. 260.

cur to restore the parliament to its freedom and their sovereign to his throne. A committee of danger was appointed to provide for the public safety; and after an interval spent in fruitless conference with the clergy, a resolution was adopted to put the kingdom in a posture of defence. Under this obvious pretext, a large army was intended to be raised. But the royalists were impatient for action, and in the committee of public safety procured a vote to surprise and garrison Carlisle and Berwick. Argyle and his friends protested loudly against the commencement of hostilities, and the commission of the church interposed, to require that the grounds of war should be first explained; that malignants should be excluded from their councils, and suppressed if they appeared in arms; and that the covenant and the presbyterian religion should be previously secured by his majesty's oath to confirm both when restored to his throne. Carlisle and Berwick were surprised, however, by Langdale and Musgrave; royalists, who attended Hamilton at Edinburgh, and had secretly collected their friends on the borders. The danger incurred from the vicinity of those malignants was employed as a pretext for a general levy, though it was obvious that their enterprise had been concerted in Scotland. But the pacification begun at Rippon, had provided that no war should be declared by either kingdom against the other without due premonition, and an adequate time for explanation and

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redress. Three requisitions were accordingly made to the English parliament, that the sectaries should be suppressed, the king recalled, and the army disbanded. Fifteen days were assigned for receiving a definitive answer; and, after a public declaration of their engagement to re-establish the authority of their sovereign according to the covenant, the estates adjourned till the levies were complete[44].

Its levies obstructed.

The choice of commanders, as it was supposed to indicate the scope of the engagement, was sufficient to confirm the opposition of the church. Leven was incapacitated by age, and persuaded to resign. Lesly was popular from his zeal and success; but when Hamilton was appointed general, and Callendar lieutenant general, the clergy no longer scrupled to pronounce the engagement unlawful, and to shower imprecations on the heads of its adherents. The declarations of the church were every where opposed to those of the parliament; the levies were prohibited from every pulpit; and according to the ingenious remark of a celebrated historian, the people, agitated by two supreme independent judicatures, were threatened by the one with eternal perdition, and by the other with imprisonment, banishment, or military execution. Lesly and the most experienced officers refused to serve unless the church were previously satisfied; and the chancellor, disgusted at the vio-

[44] Rescinded Acts. Burnet's Mem. 336. Baillie. ii. 285, 6. Rushw. viii. 1048. Clarend. v. 145, 6.

lence or insincerity of his new associates, abandoned the engagement which he had concurred to frame. The levies thus constructed by the clergy, advanced but slowly, and were opposed in the west by an armed and tumultuary concourse of people, whom Middleton seasonably attacked and dispersed. But the opportune moment for action, in consequence of those disputes, was irrecoverably lost [45].

Insurrections in England.

In England the royalists were impatient of delay; but their precipitate insurrections in Wales, Kent, Essex, and Surry, were more numerous than formidable. Langhorn and Poyer were defeated in Wales, and enclosed by Cromwell in Pembroke castle. The earl of Holland was routed at Kingston and taken prisoner. The insurgents of Kent and Essex were dispersed or surrounded by Fairfax, and besieged in Colchester. During the absence of the army the parliament recovered its freedom, and the presbyterians their influence; the excluded members were restored to their seats; the vote against more addresses was recalled, and a treaty was again proposed with the king [46].

Expedition into England.

The premature and ill-concerted insurrections of the royalists accelerated Hamilton's march into England, before his preparations were complete. From a wretched jealousy of his designs, the supplies of money, arms, and ammunition, promised

[45] Clarend. v. 347, 8. Baillie, ii. 283. 91, 2. 5.

[46] Rushw. viii. 1074.

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from the continent, and the presence of the prince of Wales, who had assumed the command of the revolted fleet, were withheld by the queen. His army, destitute of artillery, and from the opposition of the clergy far inferior to its reputed numbers, did not exceed ten thousand foot and four thousand horse; the former ill provided and unacquainted with arms, the latter better mounted than disciplined. The siege of Carlisle, which Lambert had invested, was abandoned on their approach; but in obedience to parliament, which had enjoined that none who refused the covenant should be admitted to the army, the royalists under the command of Langdale, continued to march in a separate body, and to encamp distinct, as if no concert had subsisted between them and the Scots. An engagement founded on gross duplicity, an expedition conducted with obvious hypocrisy, announced sufficiently the intentions of Hamilton, not (as he professed) to fulfil the covenant, but to co-operate with the royalists, and to restore the king unconditionally to his former power. No declaration preceded his march. No advances were made to the English presbyterians, nor did they hesitate, on his union with the royalists, to pronounce them enemies to the state. Instead of advancing through Yorkshire, a friendly county, in pursuit of Lambert, he remained inactive in Lancashire for forty days. His forces, instead of being concentrated, were dispersed to the distance of twenty miles, to relieve a hostile or

disaffected county; and, while the royalists under Langdale preceded his front, Monro, recalled with three thousand veteran troops from Ireland, in order to avoid the command of Callendar, encamped at an equal distance in the rear. The delays and misconduct of the duke were ascribed by the royalists to the absurd policy of suffering their party to be suppressed through England, that the triumph of the presbyterians might be the more complete. A zealous presbyterian, or a more enterprising general, would have left the obnoxious cavaliers behind, and with an army unembarrassed by artillery, while Cromwell was employed in Wales, and Fairfax (who scrupled to oppose the Scots) was engaged in the siege of Colchester, would have prosecuted a rapid unobstructed march to secure the capital, and the support of parliament. But the fact is, that Hamilton had aspired to a situation for which he was utterly unqualified; and the event might have been expected from the choice of a general in which birth and rank were preferred to talents and experience [46].

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His intelligence was so defective, that he continued ignorant of the surrender of Pembroke, and of the near approach and conjunction of Cromwell and Lambert, until the royalists were attacked and overpowered at Preston. They defended themselves with the determined resolution which despair inspires, and had they received timely support,

Hamilton defeated by Cromwell.

Aug. 17.

[46] Burnet's Mem. Rushw. viii. 1198—355. Clarend. v. 161.

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they might have maintained their situation; had they been conjoined with the Scots, their numbers and their valour might have prevailed over the disciplined and veteran independents. But the timid and irresolute duke was perplexed amidst the discordant opinions of his officers, and incapable of a vigorous or decisive attempt. With an army still superior to that of Cromwell, he abandoned his ammunition and baggage in the field, and continued his rout or rather disorderly retreat to Warington, where the foot, deserted by their general, were surrendered by Baillie; and when overtaken at Utoxeter, he capitulated himself with his cavalry to Lambert. A resolute body, exasperated at his conduct, and disdaining an ignominious surrender, broke through under Callendar, and effected their escape [47]. Such was the event of the first expedition from Scotland undertaken for the purpose of restoring the line of its ancient monarchs, the ill-fated Stuarts, to the English throne.

and taken prisoner.

Insurrections in Scotland.

Monro's division, which remained entire at Kirby-Lonsdale, was recalled to Scotland, and, when reinforced with new levies by the earl of Lanark, the appearance of an army was still preserved. But the church-party were already in arms. Argyle and Lothian had begun an insurrection in the highlands, and Cassilis and Eglinton in the western counties; and their tumultuary forces, by an unexpected march, each parish con-

[47] Burnet's Mem. Rushw. viii. 1237.

1648. Origin of the Whigs.

ducted by its own minister, had expelled the committee of estates from Edinburgh. The expedition was termed the *Whigamores'* inroad, from a word employed by these western peasants, in driving horses, and the name transferred in the succeeding reign to the opponents of the court, is still preserved and cherished by the *Whigs*, as the genuine descendants of the covenanting Scots[48]. These primitive whigs, unconscious of the distinction, were modelled by Lesly and the officers who declined the engagement, into a regular army to oppose Monro's approach to the capital. When restrained by the committee of estates from the effusion of blood, the latter directed his march to Stirling, in order, by the possession of that important pass, to prevent a junction with Argyle, and to levy a new army in the northern counties. His steps were diligently pursued by Lesly, but by the interposition of the clergy a treaty was begun, during which he obtained possession of Stirling by surprise. The negociations, interrupted by this insidious enterprise, were resumed upon the invitation of Cromwell to Scotland. Lanark, intimidated perhaps by his brother's danger, was persuaded to disband his forces, and surrendering the government to the adverse party, (of whom a sufficient number belonged to the committee of estates) to abandon the engagement to the cen-

[48] Burnet's Hist. i. 58. According to others, from *whig* or whey the customary food of those peasants.

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sures, and its adherents to the intolerance of the church. Monro was permitted to return to Ireland, but his garrisons in Carrickfergus, Belfast, and Culrain, had capitulated to Monk. From the siege of Berwick, Cromwell was conducted in triumph to the capital, and his troops, so lately obnoxious as sectaries, were received with joy as the deliverers of the church [49].

Engagement suppressed.

Frequent consultations were held with Cromwell; and though the subject never transpired, the royalists too hastily concluded from the subsequent event, that the execution of Charles was concerted with Argyle. Berwick and Carlisle were restored to England. The solemn league and covenant was renewed with Cromwell; the engagement was proscribed, and its adherents were excluded from the approaching parliament. They hastened to yield satisfaction to the church by the most public repentance; and hard and inexorable was the lot of those who neglected, by a specious or timely contrition, to deprecate its indignation. Notwithstanding his dignified rank, and the merit of an early defection, the chancellor himself submitted to public penance, deplored his carnal self-seeking or compliance with the times, and besought the prayers of the congregation with such pathetic success, that their commiseration was vented in lamentations and tears. But his wife, an heiress from whom he acquired his estate, was a presby-

[49] Burnet's Mem. 367. 71. 5. Guth. Mem. 286—97. Rushw. viii. 1273. 6. 88. 95.

terian more rigid than himself, and had threatened to divorce him for his adulteries, (of which the proofs were copious,) unless he were reconciled and restored to the church [50]. Such was the tyrannical influence of the clergy, in the tenderest concerns of domestic life. BOOK V. 1648.

During the absence of Cromwell, and the transient freedom of the English parliament, a treaty was begun with the king at Newport, but it was unfortunately protracted till Hamilton's defeat. The interests of both parties required an immediate conclusion; but the commons, perplexed by the independents, were desirous to remark the progress, and Charles, ever slow in his advances, was anxious for the previous support, of the Scots. Hollis and Grimston, the parliamentary commissioners, conjured him on their knees to assent at once, and without the tedious intervention of writings; that in a few days he might be restored to parliament, the government re-established, and the army by their united authority reformed or reduced [51]. The question was no longer how to preserve the roots of prerogative, whose branches might revive and flourish at some distant period, but to rescue the constitution from military usurpation, and to prevent the destruction of government by military violence. It was not the extent Treaty at Newport. Sept. 15.

[50] Burnet's Mem. 338. Hist. i. 59. Whitlock, 360. Guth. Mem. 298. Scotstarvet's Staggering State, &c.

[51] Burnet's Mem. i. 60. Clarend. v. 201—17.

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of power, but the existence of monarchy, and of his own life, that depended on the event. Nor was he insensible, that in a popular assembly still actuated by the intrigues of the independents, and by its apprehensions of the royalists, the parliamentary leaders were unable to recede from their original demands. But to what motives shall we ascribe his inflexible and fatal obstinacy, when, instead of granting on the first day whatsoever concessions were reserved for the last, he protracted the conferences above two months, and amidst an idle parade of arguments, seemed to delight in sustaining singly the opposite characters of a statesman and divine? Incapable of a frank unreserved assent, or perhaps of a cordial accommodation with parliament, his mind was employed in the nice balance of casuistical distinctions: when decision was necessary, he canvassed minutely proposals already discussed and sufficiently understood: and after the opportunity was departed, he acquiesced in the conditions to which the recent treaty with the Scots had been preferred. He consented to recall every hostile declaration, and to acknowledge that the parliament had taken arms in its just defence. This preamble was deemed indispensable, to secure the members from a strict and literal interpretation of the statute of treasons; and he was induced at length to assent, by the equivocating consideration that no preliminary recital of its just defence could justify or legitimate its recourse to

arms, if before illegal [53]. He agreed with the same reluctant hesitation, to surrender the militia, the chief offices of state, and the government of Ireland, for twenty years [54]; to accept a hundred thousand pounds a year for the court of wards, to acknowledge the parliamentary great seal, and to consult the two houses in the creation of peers. There were two conditions, however, upon which he remained inflexible; and his motives in the one may deserve our respect, in the other our mingled compassion and contempt. His assent to the execution of Strafford had excited deep remorse;

[53] Burnet's Mem. 430. From the same casuistry he acquiesced in the parliament's great seal: "This part of the propositions, we understood, made not the grants under it valid, if they were not so before." Id. 441.

[54] Here, and in his answer to the propositions presented at Newcastle, his insincerity is palpable. "Touching Ireland," he declares in that answer, "his majesty will give full satisfaction therein." This concise declaration, apparently so sincere and candid, is explained in a letter to the queen. "I have so couched that article that, if the Irish give me cause, I may interpret it enough to their advantage. For I only say that I will give them (the two houses) full satisfaction as to the *management* of the war, nor do I promise to *continue* the war; so that, *if I find reason* to make a good peace there, my engagement is at an end. Wherefore make this, my interpretation, *known* to the Irish." Clarend. State Papers. What reliance could parliament place at the beginning of the dispute, or at any subsequent period, on the word or the moderation of a prince, whose solemn and written declarations were so full of equivocation?

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and a resolution, confirmed by his misfortunes, never to abandon a friend again. However willing that the royalists should compound for their sequestrated estates, he resisted with fortitude the proscription and exile of seven delinquents, his faithful adherents, whom the parliament proposed to except from the general pardon. During the mournful solitude of a long imprisonment, his religious prejudices were cherished by the sorrows which had bleached his *grey discrowned head* [55]; and he clung with more bigotted attachment to an episcopal church, as the last sad refuge of afflicted royalty. Whatever was unconnected with its apostolical institution, the dignities superior, or subordinate to a bishop, he was content to resign. He renewed his offers, to suspend the authority of bishops for three years; and to limit their subsequent power to that of ordaining with the concurrence of their presbyters, or even to institute another form of ecclesiastical government if required by parliament; and by a nice casuistical distinction, the suspension of the episcopal order, which he could not hope to preserve, was considered as very different from its abolition, which he could not prevent. The sale of chapter lands, already pledged or disposed of to the public creditors, was a sacrilegious deed, for which he proposed to substitute leases of a long duration. But

[55] His "grey discrowned head," in the verses written at Carisbrook castle, is an expression truly pathetic. Burnet's Mem. 381.

the temporary institution of presbytery, involved in it a renewal of the contest within three years, and implied a secret expectation that the hierarchy, however reduced at present, might again be restored. If the parliamentary leaders were more liberal or enlightened, their adherents were not less bigotted and obstinate than the king. In these unworthy disputations, the time allotted for negociation, and requisite for action, was consumed in vain [56]. When Henry IV. of France is persuaded to consult the happiness of his subjects, and to terminate a destructive civil war, by a public profession of the Romish faith, our esteem remains undiminished for his gallantry as a hero and his probity as a man. Among the counsellors, however, whom Charles was permitted to summon, and the divines whom he selected to furnish the materials of controversy, not a man had the honesty or the good sense to suggest, that he should prefer the public welfare and his own interest to the vain and perishable forms of religion.

Insincerity of Charles.

If ever Charles appeared sincere in his professions, it was in the present treaty. Yet we discover with equal surprise and concern, from his own correspondence, that the secret motives of his conduct and his fixed design were to escape to Ireland in order to renew the war. It was for this purpose that the treaty was industriously protracted,

[56] Clarend. State Papers, ii. 453. Parl. Hist. xviii. Charles' Works. Rushw. Rapin.

and that the most important of his concessions was granted with studious equivocation, in order to amuse or deceive the commissioners, and to facilitate his escape. In his letters to Ormond, who had landed in Ireland during the treaty at Newport, and begun to negociate a peace with the insurgents, he exhorts him not to be startled at his concessions which would come to nothing; nor to obey his but his queen's instructions, and to prosecute with vigour his present designs. Four days afterwards, when a public disavowal of Ormond's powers was demanded, he assured the parliamentary commissioners, that since the first votes had passed for the treaty, he had transacted no business respecting Ireland except with the commissioners themselves [57]. But it appears from his letters to Sir William Hopkins, who resided opposite to Newport, that his thoughts were employed, during the whole treaty, in concerting or in procuring the means of flight, and that his principal concession, whether respecting the church or the militia, was actually made to promote his escape. He inquires with daily anxiety concerning the arrival of the ship, the tides, the winds, the place to embark; and in one letter describes his motives in most pathetic terms. "To deal freely with you, the great concession I made to-day was merely in order to my escape, of which if I had not

[57] Carte's Ormond, ii: Appendix 17; Letters, October 10th and 28th. Parliamentary History, xviii. 128.

"hopes, I would not have done. For then I could "have returned to my straight prison without re- "luctance, but now I confess it would break my "heart, having done that which nothing but an "escape can justify." From his letters it is evident that he meditated, or attempted, his escape each night [58]. No resource nor retreat but Ireland remained. When these circumstances are combined with his instructions to Ormond to persist with vigour in concluding a peace, and with his former asseverations to Glamorgan that he would omit no opportunity to get into his and into the nuncio's hands, the conclusion appears indisputable, that his secret and fixed design in protracting the treaty was to escape to Ireland, and at the head of the Roman catholic insurgents to renew the war.

who is seized, and the treaty interrupted by the army.

But the engagement was still destined to prove fatal to Charles. Notwithstanding the resolution ascribed to the council of war at Windsor, no demand had been made for his trial; no intimation was given of his fate; and from the period of the vote against more addresses, till the insurrections commenced [59], the officers remained inactive during

[58] Letters subjoined to Wagstaff's Vindication of the Royal Martyr, 3d edit. pp. 142. 161. October 9th.

[59] The council at Windsor was held in the beginning of December 1647; the vote against more addresses passed on the 3d of January; the insurrections chiefly commenced in May and June, the remonstrance of the army is dated the 16th of November, 1648. Till that time, a period of eleven months, no step was adopted, to effect the resolution ascribed

the triumph of the independents, in expectation of the event that might determine their conduct to the king. But the army returned, before the conclusion of a protracted treaty, exasperated by a second civil war, and breathing vengeance against its author. The soldiers in a remonstrance to parliament demanded the execution of justice, not on meaner delinquents only, but on the king himself, as the author of every national calamity, and the sole cause of the renewal of bloodshed. His person was again seized by the army, and removed from Newport to Hurst-castle on the opposite coast. In this extremity the commons, resuming their original spirit, rejected the remonstrance though surrounded with troops; and declared the seizure of the king unwarranted, and his concessions a sufficient foundation for peace. They were soon taught that resistance was unavailing; and were destined to exhibit a melancholy proof that popular assemblies once subjugated, become the most abject and devoted instruments of arbitrary power. The house was encompassed with guards, and forty members accused of inviting the Scots were arrested by Pride. An hundred more were excluded next day, and the commons, thus *purged*, or reduced to independence, repealed the late resolutions, confirmed the vote against more addresses, and on the solemn

to the council at Windsor. Noble (Hist of the Cromwells, ii. 310.) gives a traditionary story of a council of war held at Yarmouth, in which the trial of the king was resolved.

report of a committee declared, that to levy war against parliament was treason in the king. The lords, a diminutive and hitherto an obsequious body, rejected the ordinance and adjourned for a week. But the commons were not to be disconcerted by forms. They established a great constitutional truth, that the people are the origin and the true source of legitimate power; thence to deduce a political falsehood, that the commons, as representatives of the people freely chosen, were themselves invested with the supreme authority, and that their resolutions alone possessed all the force and operation of laws. Such was the popular expedient upon which an ordinance was constructed, by their sole authority, for the trial of Charles Stuart their legitimate king [60].

Resolution to try the king.

If the fabulous annals of Scotland are excepted, the trial and condemnation of a sovereign prince, at the tribunal and before the delegated authority of the people, was then unexampled in the history of Europe. It was conceived by those fierce enthusiasts, who disclaimed in the church and in the state the coercive jurisdiction of a priest and of a king. They were instructed by the late insurrections, and by the invitation of the Scots, that conspiracies for his restoration would never be wanting at home, nor invasions from abroad, while he remained alive. Edward and Richard, the second of their names, had been degraded in parliament

[60] Parliamentary Hist. xviii. 161. Whitlock, 354. 6. Clarend. v. 238. Rushw. viii. 1380. 3.

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as incapable of government; but a precedent drawn from the turbulence of feudal times, far from possessing reputation with the people, was ascribed to an oppressive faction of rapacious barons. The same princes were removed by murder; and, during the preparations for his trial, Charles had no expectation of a different fate. Assassination however was an odious crime, more congenial to the dark recesses of a despotical court, than to the character of the nation, or to the religious and daring spirit of the independents themselves. But the conditions of war are reciprocal, nor can we decline the terms under which our antagonists are reduced to fight. The law that destines the rebel to the scaffold, if his arms are legitimated by success, too frequently suggests, and inflicts the same retribution on his enemies; and neither the army nor the independents were disposed, on the renewal of hostilities, to exempt the king himself from its vindictive operation. If relieved from the danger of the army, and from the necessity of an accommodation with the crown, the presbyterians themselves would have renounced a prince who in the hour of treaty, and at a moment of public confidence, had armed his adherents and the Scots for their destruction. But the independents aspired to more; to the satisfaction, as they asserted, of national justice, and a scene the most stupendous which history had exhibited, is ascribed to the councils of Ireton, a lawyer, converted into a soldier, a statesman, and a

saint. A public and solemn trial, by the authority of parliament, and in the face of heaven, was not more difficult, he asserted, than the degredation of Charles; and would vindicate the sovereignty of the people, at once avenge and remove their oppressions, establish a secure foundation for their future government, and by its exemplary justice deter the most ambitious from a situation full of danger, wherein such terrible responsibility was due to the people [61].

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The preparations for the trial were not unsuitable to the importance of the event. A native and hereditary prince, the sovereign of three kingdoms, was arraigned by his own subjects for maladministration and breach of trust. To impose the ungracious task upon the commons, would place them in the inconsistent situation of accusers and judges. To transfer the trial to a tribunal altogether different, might incur the suspicion of declining a dangerous participation in the deed. A High Court of Justice was therefore appointed by ordinance, consisting of an hundred and thirty-three persons, named indifferently from the commons, the army, and the citizens noted as well affected to the commonwealth. Bradshaw was appointed president, Coke solicitor for the people of England, and the court assembled in Westminster-hall.

High court of justice.

In this last period of his reign and life, the deportment of Charles was dignified and worthy of

The king's trial.

[61] Clarend. v. 249—51.

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his illustrious descent. A domestic example might confirm his fortitude. The fate of the unfortunate Mary, so similar to his own, might instruct him to decline a sublunary tribunal; but the rapid events of a month, from the interruption of the treaty at Newport by the force imposed upon the commons to their present usurpation of the legislative power, left no room to acknowledge the authority of the court of justice. From Hurst-castle he was conducted to St. James's. When presented

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before the court, he arose; and without deigning to uncover, or to exhibit any external mark of respect, he surveyed the judges and numerous spectators with a look of silent indignation and disdain; and, when arraigned by the solicitor, he touched his shoulders thrice with his cane, and admonished him to desist. He was accused of waging and renewing a destructive war against the parliament and its constituents the people, in order to establish an unlimited and tyrannical government, instead of the limited power with which he had been entrusted as king. When his defence was required, he demanded by what authority he was produced in court, or by what powers they presumed to sit in judgment upon actions for which he was responsible to God alone? He reminded them that he was their sovereign by birth, they his subjects by inheritance; and that without the authority of parliament, they had arrogated a power which no parliament had ever assumed. While engaged in a treaty with the two houses, on

the public faith, he was seized and removed thither by military violence: but in these proceedings he was unable to discover the concurrence of the lords, and understood that the commons themselves, in whose name he was accused, were subdued by arms. As their native hereditary sovereign, he was subject to no human tribunal. His authority sprang from God, to whom alone he was amenable for his conduct or his crimes. The constitution declared, that he could do no wrong; but if the authority of the people were even admitted as sufficient for his trial, the consent of each individual, down to the meanest and most ignorant peasant, must first be obtained. He spoke not for himself alone, but for the liberties of the people of England, in the defence of which he had taken arms; nor though his actions were susceptible of an easy vindication, would he now betray that sacred trust or his own dignity, by acknowledging a court whose authority was derived from usurpation and established by military violence, subversive of the fundamental laws of the kingdom [62].

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His defence was delivered at intervals, with a temperate dignity, but with frequent interruptions from Bradshaw the president, constrained, perhaps, by his situation not to suffer the jurisdiction of the court to be questioned, or incited rather by an officious zeal to assert the sovereign authority

and sentence.

Rushw. viii. 1396. Clarend. v. 252.

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of the people. The king was thrice produced at the bar; thrice he declined the authority of the court and refused to plead. The default was recorded; and the judges proceeded to receive evidence that he had appeared in arms, and had levied war against the parliament and the people. His last most earnest request was rejected, that he might be admitted to a conference with the two houses, as the means of averting a great national crime. It was conjectured, that he meant to resign the crown to his son. Such a proposal was not less repugnant to the ambition of the officers, than to the zeal of the republicans, who composed the court; and a sentence of treason was immediately pronounced, that his head should be separated from his body on the third day.

Foreign powers were astonished at the audacious design. The court of France condescended to mediate, the Dutch interceded with the commons for his life, and the Scots, from whom his misfortunes had originated, remonstrated warmly against the violence to which his person was exposed. The presbyterian clergy raised a feeble cry; but no intercession could move, no remonstrances could deter those stern republicans from the execution of their designs.

Execution of Charles I.

His preparations for death were assisted by Juxon, but the consolations of religion or of philosophy are of little avail, without native fortitude and energy of mind. Conscious worth can support the virtuous; an exalted rank or a conspicuous

station has inspired the most dissolute with contempt of death. But the fortitude of Charles was derived from no external, adventitious circumstances. That cold reserve and inflexible obstinacy which distinguished his character, assumed a sublimer aspect of chastened and tranquil magnanimity, in the last eventful period of his reign and life. He was lodged at St. James's[63]; and the front of Whitehall was selected for his execution, that the theatre of his past magnificence might become a monument of popular justice to record his fate. On the morning of his execution, he arose at an early hour, after a quiet undisturbed repose; and bestowed on his dress an attention, which his sorrows had long neglected. His devotions were concluded with the Eucharist; and when the hour approached he was conducted on foot through the park, which was lined with guards, to Whitehall, where an apartment was prepared for his reception. After a slight refresh-

[63] That his slumbers were disturbed each night by the noise of erecting his scaffold, is an injudicious fiction, first invented by Clement Walker in order to aggravate the deed. Herbert attended the king's person and slept in his chamber, from the beginning of his trial to the last hour of his life. But that Hume should assert, on such authority as Clement Walker, (Hist. of Independency,) a fact contradicted by every other historian, is the more surprising, as Herbert's Memoirs lay open before him; and from the copy in the Advocates' Library, now in my hands, appear to be marked with his pencil at the very passage (p. 117.) which mentions that the king was removed, two hours after his trial, from Whitehall to St. James's. But, on this occasion, Hume wrote too much for dramatic effect.

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ment, he ascended the scaffold, and without emotion surveyed the awful preparations for death; the cushion, the block, the axe, and the two executioners disguised in vizors. The scaffold was surrounded to a great depth with troops. Despairing therefore of being heard by the remote spectators, he addressed his discourse to the officers and the attendants; protested that the war on his part was strictly defensive; without accusing parliament, blamed the unhappy intervention of wicked instruments; confessed that he suffered a merited retribution for his assent to an unjust sentence against his friend, and, in pronouncing the last most difficult lesson of Christian forgiveness, he admonished the people to return to the paths of submissive loyalty, and to acknowledge his son for their lawful sovereign. At the suggestion of Juxon he attested his dying, unfeigned attachment to the English church. His neck was then adjusted to the block; and after a short prayer he stretched forth his hands, as the appointed signal for the axe to descend. His head was severed from his body at a single stroke, by the man in the mask. The other executioner exposed the bleeding head to public view; and as he exclaimed "this is the head of a traitor," the acclamations of the soldiers were intermixed with the convulsive sobs and lamentations of spectators, who rushed forward with pious zeal, to receive the blood of their martyred king [64].

[64] Rushw. viii. 1428. Whitlock, 370. Ludlow.

Such was the tragical fate of the second sovereign of the house of Stuart, who perished, within sixty-two years, on the English scaffold. He suffered in the forty-ninth year of his age, and the twenty-fourth of his reign. After a sickly and froward infancy, he had acquired in manhood a robust constitution, capable of enduring hardships and fatigue, and well adapted to the violent exercises in which he excelled. His person was neither tall nor corpulent, but vigorous, compact, and exactly proportioned. His features were regular; his eye quick and penetrating; his aspect pale and melancholy; not unpleasing to his friends, but to strangers expressive of a forbidding reserve. The undecayed and healthful appearance of the vitals, when his body was opened, exhibited a sound and well organized frame, naturally destined for an extreme old age. His body was privately interred at Windsor, but after a slight ineffectual search on the restoration of his son, his remains were defrauded of a royal funeral [65]. That men expired from grief at his execution, or sunk for life into a lethargic melancholy; and that women parted with the untimely fruit of their womb, must be classed amongst the marvellous exaggerations of a great event [66]. But

Its effects on the people.

[65] Warwick, 64. Perinchief, p. 74. Wellwood, 79.

[66] These circumstances are attested by no contemporary but Sanderson, a credulous writer, who struggles hard to derive miraculous cures from relics stained with the martyr's blood. Hist. 1138, 9.

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his death was productive of consequences very different from those, which his enemies had expected. The execution of their native, hereditary sovereign, instead of diffusing an abhorrence of monarchy, awakened in the people all the latent emotions of the human soul. Sympathy, the offspring of the imagination and of the heart, is most powerfully moved by the examples of illustrious woe. Not all the innocent blood, so profusely shed during the course of the civil wars, excited such universal commiseration and sympathy as the execution of Charles. Had he been permitted to remain a prisoner, or to wander as an exile among foreign courts, his character might have sunk insensibly with his misfortunes, from the lawful prince to the pretender, whose obsolete claims are regarded as hostile to the interests of the state. But the people forgot his errors, and their own sufferings, in the contemplation of his fate; and there was no cause that contributed more, than his untimely and violent death, to the transient restoration and reign of his sons.

Character of Charles I.

His character, which it is more difficult to estimate, has been loaded with unmerited crimes by his enemies, and overcharged with fictitious virtues by his friends. Temperate, chaste, and exemplary in his conduct, grave and dignified in his deportment, in his conversation strictly observant of decorum, he was diligent in the performance of every act of devotion, and exact in the discharge of every moral duty incumbent upon a father, a

husband, and a friend. If insensible to the feelings of refined humanity, his heart was not insusceptible of a tender affection and a permanent friendship. His mind was naturally acute and solid; cool and intrepid in danger, on great occasions magnanimous and equal; endued with a cultivated and magnificent taste, and not defective in those meaner, ornamental qualities which adorn a throne. The virtues of private life were undoubtedly his; but when we reverse the portrait, such were the opposite imperfections of his character, that those virtues were unprofitable to the public, and not unfrequently pernicious to himself. His religion was superstitious, intolerant, and replete with bigotry: his dignity, supercilious and seldom affable, betrayed a harsh and repulsive pride. His ear was open to suspicion, and accessible to flattery; his conjugal affection was uxorious in the extreme: his manners, though he was seldom generous, were equally ungracious, whether he granted or refused a request. Tenacious of his purpose, and inflexibly obstinate in the prosecution of his ends, but from his inconsiderate rashness easily persuaded to the adoption or the alteration of the means, his mind was unduly elevated by prosperity, though never equally overwhelmed by misfortune. His humanity is impeached by the barbarous punishments of the Star-chamber; for the monarch who tolerates the cruelties of his judges, which are never inflicted unless when they are acceptable, becomes responsible for their crimes. But

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the ruling passion, or rather the uniform principle, of his whole life, was the desire of an inordinate power, which he refused to share unless with the prelates, and which he could neither enjoy with moderation nor consent to resign.

Sincerity was certainly no part of his character. It is not sufficient to affirm that the difficulties of his situation, his own imprudence, or even the utmost malignity of fortune, occasioned the great and almost unexampled calamities of his reign. We must add that the early and repeated instances of his insincerity, which we have occasionally described, had created such a firm belief of his dissimulation, that the popular leaders, from a well-founded distrust of his ambiguous declarations, were ever afraid to treat with him, unless upon their own terms to which he was unwilling or unable to accede. The evidence resulting from his confidential letters, where the proofs of a disingenuous mind can alone be found, is industriously suppressed by those partial historians, who asserting the unblemished integrity of his character, take no note of the principal cause of his misfortunes and death. A subtle and professed casuist [67], he was enabled to reconcile the most dis-

[67] He translated Sanderson *De Juramenti Promissorii Obligatione*, while in the Isle of Wight. It is justly observed by Walpole, that casuistry is not necessary for the observance, but for the breach of an oath; and that an honest man who studies cases of conscience, expects to find that he need not be quite so honest as he thought.

ingenuous protestations to his own conscience; and, without an absolute breach of veracity, he studied by verbal evasions to deceive his enemies, and by mental equivocation to deceive himself. BOOK V. 1649.

That his condemnation however was unjust, that he suffered from a violent and usurped authority, has never been disputed, unless by zealots; but, when examined in a moral or political view, his conduct is not susceptible of an easy vindication. Whether his exalted ideas of the prerogative in England, were derived from established, or from irregular precedents of an unsettled constitution, is an inquiry foreign to the design of this history; but his religious innovations, the sole object of his reign in Scotland, were introduced by a conscious violation of the laws, and by a direct invasion of the legislative power. The facility with which he commenced hostilities against his subjects, reduced the Scots to the necessity of self-defence, while the English were gradually familiarized and habituated to the ideas of resistance. His subsequent conduct contains an internal proof, that his concessions to the latter were meant to be resumed, and their parliament to be reduced by force of arms; and, from the same motive, every accommodation was declined or disappointed during the flattering prospect of a successful war. But the immediate cause of his destruction, and undoubtedly one of the most exceptionable parts of his conduct, was his engagement with the Scots for the renewal of the

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civil wars, during a treaty with the English parliament; and when we consider "how short is the "distance between the prison and the grave of "kings," and that their enemies are ever prone to retaliate those severe conditions under which they themselves fought, it must appear far less surprising that he perished on a scaffold, than that he survived so long. The right of punishment seems to be implied in the very idea of resistance, for it is difficult to conceive by what argument resistance can be justified, if it is forbidden to chastise the abuse, or to prevent the resumption of an arbitrary power. But obedience to government is the general rule; resistance is an exception which rarely occurs, and for what purpose inculcate the exception, to which mankind are sufficiently addicted, in preference to the rule upon which our security depends? To resist the encroachments, to correct the misconduct, to revoke the delegated powers of magistrates, are doctrines not less dangerous perhaps for a government to tolerate, than for a people to forget. If never inculcated, the exception is soon forgotten, and society sinks at last into a state of tame servility from which there is no return. The arbitrary reign of Charles would have been prolonged by his sons, and the two kingdoms, oppressed and converted by a popish successor, might have inquired at present, as a subject of curious, but cautious speculation, what were the religion or the liberties which their ancestors enjoyed.

rators were betrayed by Sir Richard Wallis, were deterred by an opportune detection of his treachery, or were prevented by the vigilant precautions of parliament. Sir George Booth, a presbyterian, who had declared at Chester for a free parliament, was surprised by Lambert, and his forces dispersed. The victory was immediately ruinous to parliament; and ultimately conducive to the king's restoration. Lambert, instructed by Cromwell's example and influence with Fairfax, and not less ambitious, had aspired to govern by means of Fleetwood. The inferior officers, upon whom the parliament relied, were won by his intrigues and presents to concur in a petition, that Fleetwood should be confirmed in the supreme command; and, to remove all civil control, that without a court-martial no officer should be suspended or dismissed. The commons aware of their own danger, revoked the commissions of the general officers, and to prevent the subsistence of the army, declared it high treason to levy money without the consent of parliament; but Lambert, disregarding these feeble yet fatal resolutions, assembled his troops in Westminster, intercepted the speaker, and dispersed the members in their passage to the house. A committee of safety was substituted for the council of state: and thus, within the short space of a year, the revolutions of ten preceding years were renewed; the parliament was dissolved and the protector deposed; the remains of the long parliament

Expelled by the army.

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again expelled, and the nation subjected to military power [77].

1659. Causes of the restoration.

From the preceding summary of English transactions, we discover the primary causes of the restoration; namely, that the presbyterians and the royalists were secretly united, and the people, wearied with perpetual revolutions, were predisposed to acquiesce in whatsoever form might promise permanent stability to government. Charles, in the expectation of foreign aid, had repaired to the treaty of the Pyrenees, where there is reason to believe that he first abjured the protestant religion, and was secretly reconciled to the church of Rome [78]. Without that dangerous sacrifice, prosperity was about to return to his family: nor did he perceive that his restoration was preparing in the same country from which the misfortunes of his father had originated.

Monk's character.

Monk, who commanded in Scotland, had originally served as a royalist in Ireland, till recalled and taken prisoner at the siege of Nantwich. When released from the Tower, at the conclusion of the war, he was employed by parliament in the reduction of Ireland, but if he there acted from necessity against Ormond, he fought in Scotland against Charles from choice [79]. His understand-

[77] Clarendon, vi. 654. Philips, 647—61.

[78] Burnet, i. 121. See also two remarkable passages in Clarendon, vi. 687—9.

[79] Not from necessity, as he returned from Ireland in 1649, and remained unemployed till next year, when he accepted a commission against Charles II. in Scotland. Skinner, Pref. 19.

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1649. Misfortunes of his house.

But, whatever were the faults or imperfections of Charles, his misfortunes were great and, till of late, unparalleled, except in the eventful destiny of the house of Stuart. Historians have truly observed, that of ten generations of kings, his father, and the first prince of his race, were the only two who escaped a violent or untimely death. Robert II. the first of the Stuarts, expired of old age; Robert III. of a broken heart at the murder of one son, and the captivity of another. James I. returned from a long captivity, to perish in a few years by the hands of assassins. His son was killed at the siege of Roxburgh, his grandson by his rebellious subjects. James IV. expiated his father's death at the battle of Flodden, and James V. died of indignation and grief. The misfortunes or crimes of his daughter, the beautiful and accomplished Mary, have furnished almost every art with a theme of historical or romantic distress; and when she suffered on the scaffold, her vindictive rival suggested unconsciously, the fatal precedent for the trial of her grandson, and the execution of a sovereign. James VI. experienced a natural death, but the calamities of the family seemed to be accumulated upon Charles. His sister's children were expelled from their paternal dominions. His nephew, the Elector Palatine, subsisted on the bounty of the English parliament; and by a final reverse of fortune, his posterity, after a short restoration, has suffered a second exile; the last prince of his race has obtained a precarious retreat

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in the Romish church; while the descendants of his sister, by a female branch, have been raised to the secure possession of that throne from which his son was expelled.

Icon Basilike spurious.

The history of this unfortunate reign may be concluded with an account of the ICON BASILIKE, or the Portraiture of his Majesty in his Solitudes and Sufferings, published a few days after his death. As a posthumous work of the late king, it was received with enthusiasm by the royalists, and was rapidly diffused. Editions were multiplied beyond any former example, and the whole nation was edified with the meek and forgiving piety of its martyred prince. An obscure rumour or suspicion prevailed at the time, that the work was a political forgery of some royalist in his master's name. A note prefixed by the earl of Anglesea to a copy of the book, and discovered after his death, ascribed it to Dr. Gauden, on the authority of Charles II. and his brother, who had communicated the same information to Burnet. The claims of Gauden were attested by his friend Dr. Walker, whose evidence was confirmed afterwards by the discovery of original letters, and of Mrs. Gauden's posthumous narrative of the fact; and the authorities appeared to be so strong, or so equally balanced, that the royalists had recourse to the more fallacious criterion of composition and style. There, however, the internal evidence was alike inconclusive. The language at least and remarks, if not the secrets, of a statesman were to

be expected in the genuine reflections of a monarch, written upon each political event that occurred. Like the spurious political legacies, however, of other statesmen, the ICON BASILIKE contained nothing beyond the familiar meditations and the limited observation of a court divine; and, if more chaste and correct than Gauden's, the style appeared, when impartially examined, to be far more elegant and diffusive than that of the king[68]. Such was the state of this acrimonious controversy, till the publication of the Clarendon papers, in which Gauden, in a letter to the chancellor, claims the merit and the reward of this pious fraud. He appeals to the bishop of Winchester, who composed a part, and conveyed the whole

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[68] Whoever peruses Gauden's Life of Hooker, and the dedication prefixed, will find a command of language, periods nicely balanced, frequently antithetical, and a style disfigured by a capricious affectation of wit and imagery, but flowing and oratorical beyond the age. Imagery such as Gauden's, is not wanting in the Icon; and his attempt to disguise and retrench his exuberance would reduce it naturally to a chaste and temperate style, which his taste and genius, unrestrained by the necessity of disguise, would never have inspired. But the compositions of Charles are either harsh and abrupt like his letters, or succinct and irregular like his controversy with Henderson, and his messages from the Isle of Wight, the only certain productions of his pen. It is equally difficult to conceive that such a style should be elevated occasionally to that of the Icon, or that his accustomed eloquence, in his transition from occasional meditations to more important dispatches, should desert his pen.

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of the performance to the king; and the silence of Clarendon in his history, and his confession in a letter, that the circumstance "had indeed been "imparted to him as a secret, and when it ceased "to be a secret, it would please none but Mil-"ton," joined with the conviction of the royal brothers, must outweigh the vague, and contradictory reports which the royalists have preserved [69].

[69] See Note XIV.

tection and defence of the true religion, prohibited the unconditional recal of the king. With a few silent exceptions, regal government was universally preferred to the public tranquillity; but the objects, hitherto pursued during ten years war, were too important to be relinquished; nor were the Scots who had uniformly distrusted, and opposed the father, prepared to embrace unconditionally the cause of the son. Their indignation at the execution of their sovereign was increased by the contumelious treatment, which their commissioners received. Their protestations against his death, were productive only of an insulting invitation, to unite in a federal republic with England; and on returning an offensive answer the commissioners were arrested; conducted by a guard to the frontiers, and ignominiously dismissed. The Scots however respected their covenants to which they still adhered. Charles II. was immediately proclaimed, and his title to the three kingdoms was acknowledged by the Scottish parliament; but before his admission to the exercise of power, full satisfaction was demanded for the security of the religion, unity, and peace of the kingdoms. Such severe conditions have been ascribed to Argyle, who endeavoured, (it is supposed,) at the head of the violent presbyterians, to create unnecessary obstacles to the king's return, which he was unable to oppose; but restrictions, seemingly consonant to the disposition of the people, cannot

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with propriety be imputed to an individual, whom we discover assiduous afterwards to promote his recal [1].

The house of commons had already modelled the commonwealth of England, and abolished the functions and even the name of king. They declared the lords unnecessary and dangerous to a free constitution, and established a council of state in thirty-nine persons; a number doubly objectionable, as too small to compose a deliberative assembly, and too large to wield the executive power, or to restrain the designs of an ambitious usurper. The execution of the duke of Hamilton, who was tried as earl of Cambridge in England, succeeded; and as if the northern kingdom were unwilling to be outdone in bloodshed, Huntley, though married to a sister of Argyle who opposed his death, was beheaded in Scotland; a weak though naturally a gallant nobleman, odious to the covenanters from his religion, and formidable from his power. As he had remained in prison for sixteen months, it is probable that his execution was accelerated, or occasioned by an insurrection of his adherents, under Monro and Middleton, to promote the unconditional accession of the king [2].

Execution of Hamilton,

and Huntley.

[1] Clarendon, 279—84—93. Whitlock, 378. Rescinded Acts.

[2] Clarend. v. 271—84. Burnet's Mem. 388. Hist. i. 49. Whitlock, 578. Salmonet, 507. Huntley's death is ascribed to the instigation of Argyle, who had possessed himself of his estate. Yet it is admitted that Argyle opposed his death

1649. Negociations with Charles II.

The terms of the Scottish parliament were received while Charles resided at the Hague; whither the lords of the Engagement, Lauderdale, Callendar, and Lanark (who had succeeded to his brother Hamilton) and the exiled royalists, Montrose, Kinnoul, and Seaforth, had repaired. The first of these parties advised him to accept the crown on the proposed conditions; the latter never to entrust his person, without an armed force, among the mutinous Scots; and such were their mutual animosities, that the former refused to associate, or consult with Montrose, whom as an implacable enemy, they accused of every calamity which their country had sustained [3]. The opinion of the English counsellors prevailed, that Charles should embark for Ireland, where Ormond in conjunction with the catholics, still enjoyed a transient success. Till his arrival there, the proposals of the Scottish commissioners were artfully deferred. The extravagant offers of Montrose, to establish his throne by arms, were secretly embraced; and during a treaty with the government of Scotland, a commission was insidiously prepared to levy troops for a descent upon its shores [4]. But the

openly in parliament; and when it was carried against him, withdrew in disgust. Father Hay's Mem. MS. vol. ii. p. 381. Advocates' Library.

[3] Baillie's Letters, 377. Clarend. v. 287.

[4] Baillie's Letters, 302—87. Carte's Life of Ormond, ii. 68.

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assassination of Dorislaus by the retainers of Montrose, was resented so violently by the English commonwealth, that Charles was compelled to remove to Paris; and thence to Jersey; while the defeat of Ormond, and the victorious progress of Cromwell, left no hopes of a retreat in Ireland.

Treaty at Breda.

A second invitation was received at Jersey, from the Scottish parliament; but, as the island was neither commodious nor tenable, the negociations were soon transferred to Breda. The proposals, transmitted thither by the earls of Cassilis and Lothian, required that the covenant should be received, and the presbyterian form of government confirmed by Charles; that in civil affairs he should adhere to the advice of parliament, in ecclesiastical to that of the general assembly; that the popish religion should cease to be tolerated; and that all declarations derogating from the covenant, or commissions hostile to the kingdom, should be recalled[1]. In these imperious conditions, from which the commissioners had no power to recede, more was even implied than expressed; not only a disavowal of Ormond's transactions with the Irish catholics, but the exclusion of such delinquents from court, as the parliament, by an Act of Classes, had declared incapable of public trust. The Scots, instructed by the usurpations of the two preceding reigns, determined to pre-

[1] Clarend. State Papers, ii. App. 53. Thurloe's State Papers, i. 147.

serve whatever privileges they had hitherto acquired; and as the security of the church, and the preservation of the ruling party, were intimately connected with the tranquillity of the kingdom, they resolved to admit their sovereign conditionally to the dominions of his ancestors, without resuming the desperate attempt to seat him by arms on the English throne. It was from these motives that public delinquents, whether engagers or malignants, who might instigate a rupture with England, or promote the arbitrary power of the crown, were proscribed from office and excluded from court; and that a confirmation of the covenant was demanded, as the only secure bulwark of the presbyterian church. But to Charles, whose views were materially different, Scotland was valuable only as preliminary to the recovery of England; and the limited prerogative of his ancestors before the accession, appeared an intolerable restraint. His English counsellors, who despaired of a reception in Scotland, were irreconcileably hostile to the covenant; and represented his acceptance of those terms, as a shameful dereliction of the principles for which his father had suffered. They observed that the Scots, since the event of the late engagement, were neither able nor inclined to recover the English crown; but they suggested no plan for his conduct, nor even the means of subsistence during his retreat. Hamilton and Lauderdale maintained with truth, that to reject the invitation would be to relinquish not

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only the possession of Scotland, but the chance of recovering his other dominions; that the neutrality which the Scots affected, could not be preserved, nor the conditions rigorously exacted, upon his accession to the throne; and that it would be absurd, from an attachment to prelacy so ruinous to his father, to renounce a kingdom prepared for his reception. Their advice was recommended by the queen mother. The prince of Orange was unable to conceive how the covenant, so similar to the compromise of the Netherlands, was incompatible with a crown [6]. But the king had enjoined Montrose, after the negociation was transferred to Breda, to accelerate his preparations for a descent on Scotland; and with the same duplicity continued to prolong the treaty, till the result of an hostile invasion was determined [7]. From reliance upon fallacious predictions, Montrose was persuaded that it was reserved for him alone to restore the family of Stuart to the throne; and Charles expected from the renown of the general, to regain the kingdom unconditionally by force.

Expedition of Montrose.

Montrose, with arms supplied by the court of Sweden and money from Denmark, had embarked at Hamburgh with six hundred Germans commanded chiefly by Scotch exiles, and was transported early in the spring to the Orkneys. The natives of these sequestered islands, amidst the horrors of a bleak and dreary climate, had lived

[6] Clarend. v. 343, 6. Baillie, ii. 334. Burnet's Mem. 422.

[7] See Note XV.

in profound repose, undisturbed by the civil wars, and unconscious even of public transactions, except from vague report. Their turbulent or warlike habits were extinguished by a century of oppressive coercion; and from islanders inured to the sea, and proportionably disinclined to a military life, no resistance was to be apprehended, nor any effectual succour to be obtained. By a forcible levy, reluctantly furnished, Montrose increased his diminutive army to fourteen hundred men. His design was to penetrate into the highlands, where his former adherents might again be attached to his standard. When he crossed however to the opposite coast, the people, during his march through Caithness and Sutherland, instead of resorting in multitudes, as he had fondly expected, fled precipitately wherever he approached. Their country had not yet experienced the calamities of war; but the former excesses of his soldiers had created an universal terror, which the appearance of foreign troops was not calculated to remove. The committee of estates were prepared against an invasion, which was the more formidable from his past renown. Strachan, a distinguished sectary who had defeated Middleton's late insurrection, was dispatched with three hundred horse to obstruct his progress, and was followed by Lesly with four thousand men. Neglecting the security of the hills, though destitute of horse, Montrose had advanced beyond the pass of Invercarron, on the confines of Ross, when he

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discerned Strachan's cavalry issuing in three divisions from an ambuscade. The first was repulsed; but the second, led by Strachan, renewed the charge: the unwarlike islanders, terrified at the sudden irruption of cavalry, abandoned their arms; the foreigners retreated to a wood, and there surrendered themselves prisoners to an inferior force. When his horse was shot, Montrose was generously remounted by his friend lord Frendraught, and in the disguise of a peasant escaped by swimming across the river. His cloak and star, his sword and the garter with which he was lately invested, were discovered in the field; and a few days afterwards he was betrayed to Lesly by a friend, to whose fidelity he had entrusted his life [8].

Defeated and taken.

Whatsoever indignities the bitterness of party rage or religious hatred could suggest, were accumulated upon a fallen illustrious enemy, formerly terrible and still detested. He was conducted through the north by the unfeeling Lesly, in the same mean habit in which he was detected. His cruel devastations were never forgotten; his splendid victories were never forgiven, and he was exposed by excommunication to the abhorrence and the insults of a fanatical people. Dundee alone, which had suffered most from his arms, was touched with an honourable compassion at his misfortunes, and provided clothes and every accommodation suitable to his rank. His sentence was

Ungenerous treatment,

[8] Salmonet. Father Hay's Mem. MS. ii. 383. Wishart.

already pronounced in parliament, on his former attainder, with every aggravation which brutal minds can delight to inflict. He was received by the magistrates, at the gates of Edinburgh; placed on an elevated seat in a cart, to which he was pinioned with cords; and, preceded by his officers coupled together, he was conducted bareheaded, by the public executioner, through the principal streets to the common gaol, while Argyle and his enemies appeared (it is said) at a balcony, to feast their eyes with the ungenerous spectacle. But his magnanimity was superior to every insult, and even the people prepared to curse him, were moved by his appearance and reverse of fortune, and their imprecations melted into prayers and tears. When produced to receive his sentence in parliament, he was upbraided by the chancellor with his violation of the covenant, with the sanguinary introduction of the Irish insurgents, and his invasion of Scotland during a treaty with the king; and the temperate dignity which he had hitherto sustained, seemed to yield at first to emotions of resentment and contempt. He declared that he submitted only to appear uncovered, as the king had condescended by a treaty to acknowledge the estates; vindicated his dereliction of the covenant by their early rebellion, his appearance in arms by the commission of his sovereign; and, forgetful of former devastations, protested that no blood had been shed by his followers except in the field. As he had formerly deposited, so he

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had again resumed his arms, by his majesty's express command, to accelerate the conclusion of the pending treaty; and he requested finally that, divesting themselves of prejudice, they would consider him as a Christian with respect to the cause of quarrel; as a subject in regard of his master's commands; as their neighbour with relation to the many lives which he had preserved in battle. A barbarous sentence which he received with an undaunted countenance, was then pronounced; that he should be hanged for three hours on a gibbet thirty feet high; that his head should be affixed to the common gaol, and his limbs to the gates of the four principal towns in Scotland; and that his body should be interred among the common malefactors, unless he should repent, and be duly released from the censures of the church. Argyle, as too much exasperated by personal injuries, refused to concur in the sentence, or to assist at the trial, which he was supposed to instigate; but in private he exulted over the destruction of his most inveterate foe[9].

sentence,

The clergy employed to persecute the repose of his last moments, sought by the terrors of his sentence to extort contrition; but his behaviour, firm and dignified to the end, repelled their insulting advances with scorn and disdain. He was prouder, he replied, to have his head affixed to

and execution of Montrose.

[9] Wishart. Salmonet. Letter from Argyle, in the Archives of the Lothian Family.

the prison walls, than his picture placed in the king's bedchamber; "and far from being trou-"bled that my limbs are to be sent to your prin-"cipal towns, I wish that I had flesh enough to "be dispersed through Christendom to attest my "dying attachment to my king." To reduce this sentiment into verse, was the calm employment of his mind that night [10]. He appeared next day on the scaffold, in a rich habit, with the same serene countenance; and addressed the people, rather to vindicate his dying unabsolved by the church, than to justify an invasion of the kingdom during a treaty with the estates. The insults of his enemies were not yet exhausted. The history of his exploits was attached to his neck by the public executioner; but he smiled at their inventive malice, declared that he wore it with more pride than he had done the garter; and when his devotions were finished, he demanded if any more indignities remained to be practised, and submitted calmly to an unmerited fate.

Thus perished, at the age of thirty-eight, the gallant marquis of Montrose, with the reputation of one of the first commanders whom the times had produced. He excelled in military stratagems, but his talents were rather those of an active partisan, than of a great commander; and were better fitted to excite and manage a desultory war, than to direct the complicated operations of

[10] See Note XVI.

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a regular campaign. His genius was great and romantic; approaching the most nearly (in the opinion of cardinal de Retz) to that of the ancient heroes of Greece and Rome. But his heroism was wild and extravagant; prone to vast and desperate enterprises, without consulting the necessary means; actuated rather by passion than by virtue, by prejudices rather than by regulated principles; and it was less conspicuous during his life, than from the fortitude with which he sustained an ignominious death. Within a few days, he was followed to the scaffold by his principal officers; for the fury of the covenant was not yet extinguished. Sir Francis Hay, Spottiswood the archbishop's grandson, colonel Sibbald one of his attendants from England, and Hurry, who had alternately served and deserted the king and the parliament, were beheaded by the Maiden, a distinguished honour from which their commander was excluded. His friend, lord Frendraught, to prevent the public vengeance, preferred a Roman death [11].

Treaty of Breda.

The execution of Montrose, with circumstances of cruelty so dishonourable to the nation, and so injurious to the interests of the ruling party, must be chiefly though not entirely ascribed to the revenge inspired by his former exploits, which

[11] Wishart. Salmonet. Whitlock, 439. It is curious to remark in Clarendon how Montrose's character improves by degrees, from premeditatd assassination, to the most heroical perfection. Hist. i. 298.

had rendered him not less renowned abroad, than from his inhumanity odious to his countrymen at home. But the duplicity of Charles was also resented; and it was apprehended that no treaty would be permanent, while Montrose was alive. His execution was accelerated to avoid intercession [12]; and there is some reason to believe that he was sacrificed to the fury of the church, in order to prevent a rupture of the treaty with the king. Wariston, Hope, Cheesly, Swinton and others, proposed to recall their commissioners; and if Argyle had been either adverse to monarchy or ambitious of independent power, a fair opportunity occurred to dissuade the nation from any further treaty with a perfidious prince. But the resolution to recall the commissioners was overruled by his influence and address [13]. The defeat of Montrose was productive only of an additional limitation, or rather an explanation of the former conditions; that Hamilton's party, as well as the obnoxious royalists should be excluded from court. The king inveighed at the execution of Montrose, as a violation of the treaty; but was silenced by an intimation of something, which it imported his honour to conceal. His commission to Montrose when proclaimed in Scotland had been discovered, with his instructions to prosecute the invasion

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[12] Whitlock, 439. Salmonet.

[13] Baillie, ii. 353. Sir Edward Walker's Journal of Affairs in Scotland, 157. See Note XVII.

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notwithstanding the treaty of Breda. Charles no longer refused to accept the conditions, and to receive the covenant if required, on his arrival; and embarking with his court in a Dutch fleet, employed to protect the fisheries, he arrived in three weeks at the mouth of the Spey.

Reception of Charles.

Whatever mitigation of the conditions had been promised or expected, the jealousy of the Scots was increased by the late invasion, and the covenant was exacted from Charles before he was suffered to land. Hamilton, Lauderdale, Dunfermline, and other Engagers, found it convenient to retire to their homes. His English attendants were dismissed; with the exception of a few who, from their compliances, were permitted to remain. He was received with every demonstration of respect, and nothing was omitted in his table, his attendance, or his equipage, which his dignity might require. But in other respects he was reduced to an idle pageant of state, without power and almost without influence, neither of which the covenanters were disposed to resign. The insolence of the clergy was intolerable. The importance of their order had been augmented by their firm opposition to the Engagement; and such of the nobility as engrossed the government, whose reliance was placed upon their popular talents and authority, were compelled to yield to their most arrogant and capricious demands. From the usurpations of aspiring prelates, the nation insensibly passed to

the same servitude under ambitious presbyters, who interposed in every deliberation, and obtruded their advice into every department. Their usurpations were such, that the church had already assumed the character of a guardian, to direct the temporal concerns of the state; but it was their peculiar province to superintend the religious faith of their young king. They approached his person in the most humble postures; but with exhortations full of bitter invectives against the iniquity of his father's house, the idolatry of his mother, and his own connection with inveterate malignants: exacted a judaical observance of the sabbath; and reprehended every amusement or apparent levity in his court or person. But though he listened to their sermons with a grave deportment, and endeavoured to conform to their long prayers and religious fasts, (to Buckingham a topic of secret ridicule) their importunities were irksome, and his dissimulation unsuccessful. He had assumed a mask which he was not at all times qualified to wear; and as it was not always easy to resist a smile, he betrayed a dislike to their prayers and a contempt for their covenants, which it was difficult to believe that he ever meant to fulfil. His attempt to recall to court the Engagers, the authors of a disastrous war with England, increased their distrust of his intention, as he had to reign in Scotland only, according to the covenants; and if he was entrusted with no power, it was obviously

BOOK VI.

1650. War with England.

because no confidence was reposed in his professions [14].

But the Scots were disappointed in their expectations of maintaining peace, by the observance of a strict neutrality with England. The progress of the treaty had been diligently watched, as introductory to hostilities; and the council of state determined, on the arrival of Charles, to carry the war into Scotland, in order to prevent a second invasion, which appeared inevitable, and which, from the accession of the English presbyterians and royalists, might have proved disastrous to the new republic. Cromwell was recalled from the conquest of Ireland; and Fairfax was invited to resume the chief command. But that able and conscientious general, though not averse from a defensive war, resigned his commission, which Cromwell received with affected reluctance, and well-dissembled joy. His march was preceded by the reputation of his horrible exploits in Ireland; and his declarations, addressed to the saints and partakers of the faith in Scotland, imputed the violation of the covenant to the proclamation of Charles II. and to their designs of seating him, by a new invasion, upon the English throne [15]. Such unremitted expedition was employed that, within a month after the king's arrival, Cromwell ad-

[14] Livingston's Life, MS. Adv. Lib. Clarend. Hist. vi. 366. 7. State Papers. App. 59. Whitlock, 442, 3. Walker's Journal, 158, 9. Burnet, i. 73.

[15] Parliamentary Hist. xix. 276—98.

vanced with sixteen thousand veteran troops to the banks of the Tweed; but he found an enemy not unprepared for his reception, and a country purposely laid waste to prevent his approach. BOOK VI. 1650.

Argyle, at the head of the committee of estates, had made the most vigorous preparations for defence. On the first notice of an invasion from England, a general levy had been appointed through the kingdom; and the open country from Berwick to Edinburgh, was abandoned on Cromwell's approach. Every article of subsistence was removed or destroyed, and in his progress towards the capital not a man was to be seen. But the capital was protected by a numerous army, securely entrenched behind strong lines, which were flanked or swept by the fortifications of Leith, and by batteries erected on the Calton-hill [16]. The impetuosity of Cromwell was opposed by the cool and vigilant sagacity of Lesly, and the disciplined enthusiasm of the independents, by the ardent and fanatical zeal of the Scots. The eyes and expectations of men were fixed on two distinguished commanders, neither of whom had hitherto sustained a single defeat, and on whose respective successes not only the event of the campaign, but the fate of the kingdom was reduced to depend. Each was subjected to peculiar disadvantages; Cromwell, from the difficulty Preparations of the Scots.

[16] The King's park (including Arthur's Seat) was lined with his troops. His batteries, which kept Cromwell at bay, were placed at the Quarry-holes.

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of procuring subsistence in a wasted country; Lesly, from the presumptuous confidence of the clergy, which exposed his raw levies to an unequal contest with veteran troops. After a successful attack upon Arthur's Seat which overhangs the city, the English general withdrew to Musselburgh, unable either to force the trenches, or to provoke the Scots to an engagement in the open plain. His retreat was harassed and disordered by the enemy; and his rear, surprised the next morning by Montgomery and Strachan, was not preserved without considerable loss. This disaster however was repaired as usual by a solemn fast; but the indignation and hopes of the clergy were confirmed by the impiety of Cromwell, who demolished or burnt the pews, and converted their churches into stables for his horse [17].

Declarations injurious to the king.

Such of the rigid presbyterians as had originally opposed the reception of Charles, were still adverse to a war with England; and to them must be imputed, whatever insults were offered to his dignity, and whatever limitations were imposed upon his power. Their opposition to his recall had been overruled by Argyle [18], but from the universal joy, or from the neglect of discipline which his presence during the late encounters occasioned in the camp, their importunities never ceased till he

[17] Parliamentary Hist. xix. 317. Walker, 162. Whitlock, 450, 1. Balfour's Short Memorials of Affairs of State, Anno 1650, MS. Adv. Lib.

[18] See Note XVIII.

returned to Stirling. Their jealousy required, that the camp should be purged of malignants who had crept into command; and when eighty officers were thus dismissed, an army composed of saints was pronounced invincible [19]. They prepared a new declaration for the king to subscribe. Upon his refusal they procured a violent act from the committees of church and state, in which they declared; "that they espoused no malignant "quarrel or party, nor acknowledged the king or "his interest, otherwise than in subordination to "God, but would vindicate themselves from the "aspersion, that they owned and supported his "majesty in all the proceedings of the late king." The declaration was communicated to Cromwell without authority, and without any pacific effect. But to Charles the disavowal of his interests appeared to threaten an accommodation with his enemies, and he therefore consented, with some qualifications, to sign a declaration, that although he was bound, as a dutiful son, to honour his father's memory, and to hold his mother in estimation, yet he desires to be deeply humbled and afflicted in spirit, for the adherence of the former to evil counsels, and his opposition to the covenants; and for the idolatry of the latter, the toleration of which was a matter not only of offence to the protestant churches, but undoubtedly of

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[19] Four thousand of the best men were dismissed, according to Walker, 165; but his extravagance may be corrected by Balfour, who mentions only eighty officers.

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high provocation to a jealous God. He declares that he received the covenant with no sinister nor improper design; professes to have no enemies but in common with it; exhorts his subjects to receive it, as they value his protection or favour; annuls his treaties with the Irish Catholics; recalls his commissions against the English trade; promises to confirm the propositions of the two kingdoms presented to his father, and to grant an indemnity to all but the authors of his murder; and since the sectaries have invaded Scotland, he requires the well-affected in England, not to omit the opportunity of re-establishing their ancient government [20]. The declaration, though not less dishonourable to his father's memory, than degrading to himself, was well adapted to unite the covenanters, and to reconcile the English presbyterians to his cause. But another test of his sincerity was required. A day of public humiliation, to be observed by his household and the whole kingdom, was proposed as preparatory to his coronation; in order to atone for the opposition of his ancestors to the reformation; the defection of James from the covenant; the civil

[20] Walker, 166. Balfour's Mem. MS. This declaration is misplaced both by Hume and Burnet. The former, to aggravate the extreme rigour of the clergy, supposes that it was tendered as soon as the king arrived, before a suspicion of his duplicity had transpired; the latter, to aggravate his duplicity, postpones it till after the defeat of Dunbar and the remonstrance against the admission of malignants.

mal-administration, or the ecclesiastical encroachments of Charles I. the queen's idolatry, and his own early connection with inveterate malignants. This national humiliation, which was implied in the declaration, is justly represented as a public penance prescribed for Charles; but it also exhibited the suspicions entertained of his sincerity, and the extravagance to which the fanatical genius of the nation had arrived [21].

In the meanwhile, every military stratagem was attempted by Cromwell, impatient for action. From Musselburgh he retired to Dunbar, to withdraw the Scots from their intrenched situation; and returned to encamp on the Pentland hills, to deprive the city of supplies from Stirling. But his own supplies from Dunbar were interrupted; and as the situation of Lesly, who advanced to face him, was too advantageous to be attacked, he returned to Musselburgh to preserve the communication open with his fleet. As the season advanced, his situation soon became critical; his troops were sickly, his provisions almost exhausted, and it was difficult to procure timely supplies by sea. It was therefore necessary to retire from a country where he was unable either to resist or to encounter the enemy; but in his retreat to Dunbar, he was harassed and pursued by Lesly, who took possession of the heights of Lammermuir, seized the most difficult passes to Berwick,

Cromwell reduced to distress.

[21] Walker, 166. Livingston's Life, MS.

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and with an army daily strengthened by reinforcements, hung like a portentous cloud upon the hills. The situation of Cromwell was confessedly desperate. His retreat was intercepted at Cockburnspath, through which it was impossible to penetrate with Lesly on his rear; but in this desperate extremity, when he had prepared to embark his artillery and foot, and to break through with his cavalry to Berwick, he was relieved by the good fortune which upon all occasions attended his arms. After an uniform display of those superior military talents which, with undisciplined troops, had reduced a veteran army, flushed with success and led by the first general of the times, to extremity, the unfortunate Lesly, on the eve of an unbloody victory, was ruined by the phrensy of the clergy, or rather by the national precipitation of the Scots [22].

Battle of Dunbar.

As the result and the reward of their prayers, the preachers had announced the destruction of the sectaries; and the operations of Lesly were controlled by a committee of church and state, impatient of the fatigues of the field and apprehensive only of the enemy's escape. They blamed their general, as slow to strike; and with the same temerity which had proved so fatal at the battle of Kilsyth, they ordered the army to quit the hills, notwithstanding his remonstrances, that all

[22] Parl. Hist. xix. 339. Walker, 179. Clarendon, vi. 376. Burnet, i. 74.

was sure where they remained, but that all might be lost when they engaged in action. Cromwell and his officers were employed that day in a solemn fast; when he discerned through his glass an extraordinary movement in the Scottish camp: "They are coming down," he exclaimed with devout exultation, "the Lord hath delivered them "into our hands." They continued, during a tempestuous night, to descend from the hills. Before they were arranged for battle in the morning, while their matches were extinguished and their horses were partly unsaddled and grazing, they were attacked by Cromwell, whose troops had been carefully preserved from the storm, and the advantage of numbers when opposed to discipline was lost in consequence of their irretrievable disorder. The English were at first repulsed; but after a short and unequal conflict, the Scottish horse were overthrown and dispersed; and the infantry, pierced by their own and by the English cavalry, abandoned their arms, their artillery and their baggage, for an ignominious flight. Two regiments only maintained their ground; but they perished in their ranks. Above three thousand were killed in the pursuit. Five thousand wounded prisoners were dismissed from the field, which was strewed with arms; and an equal number were driven into England like herds of cattle, and transported afterwards to the plantations as slaves [23]. This victory is compared, by

BOOK VI. 1650.

[23] Parl. Hist. xix. 339. Whitlock, 425, 6. Crawford's Hist. MS.

BOOK VI. 1650.

a celebrated historian, to the battle of Pinkey in the preceding century; but it is justly represented as still more fatal to Scotland, since it was improved with greater diligence and success[24]. The fortifications of Leith were abandoned; Edinburgh opened its gates to Cromwell; and the castle alone remained in the southern counties, to retard the progress of his arms.

Royalists admitted to serve.

This victory however was not more acceptable to Cromwell, than to Charles, how disastrous soever it might prove to the kingdom. He beheld the forces of the church dissolved, and the party hastening to its own destruction. Lesly, with the dispirited remainder of a numerous army, retired to Stirling to secure the passes; but justice was done to the abilities of that unfortunate general, who was acquitted of misconduct, and restored to the command[25]. A new army was now to be raised; and, without the assistance of such as were excluded or dismissed from the former, it was impossible to provide for the national defence. A coalition of all parties was therefore requisite for the public safety; the lords of the engagement were invited, or permitted to return to court, and the committees of church and state were moved to accept the services of those who had made defection, or maintained (as it was termed) a detestable neutrality. Two resolutions were prepared on the subject; the first, that a profession of their repentance ought to be accept-

[24] Robertson's Hist. of Scotland, i. 125.

[25] Baillie, ii. 350. Walker, 182—6.

ed, and the second, that on repentance, they should be admitted to share in the service and defence of the kingdom. When these resolutions were adopted by a parliament, held at Perth, malignants, engagers, and all included in the act of Classes, by a specious or ludicrous repentance hastened to deserve public employment and trust. But the resolutions were productive of a new defection, of the party originally adverse to the king, or to a war with England. Their clergy protested against the commission of the church; maintaining that to admit the support of the disaffected, was little else than to betray their cause; and that the profane mockery of their affected penitence was an insult to God, from which no blessing or success could arise. Their protest was not taken in vain. A separate association against the sectaries, and a remonstrance against the king, were prepared by Renfrew, Air, Galloway, Wigton, and Dumfries, the most fanatical counties of the west; and the nation, as well as the church, was divided henceforward into Public Resolutioners, and Protesters, or Remonstrants. The five associated counties *remonstrated* against the treaty with the king as criminal; enumerated the most invidious instances of his insincerity since the commission to Montrose; proposed that he should be excluded or suspended at least from the government till sincere fruits of repentance were discovered; demanded that his ministers, Argyle and Loudon, should be displaced and the

New dissensions.

BOOK VI. 1650.

state new modelled, and *protested* that it was unjust either to impose upon others, a prince unworthy to reign in Scotland, or to interfere in the affairs of an independent nation. The remonstrants were desirous to remove the cause of hostilities with England; but their remonstrance was, with some hesitation, condemned by the committee of estates as seditious. As their association however still subsisted, their levies to the number of five thousand were withheld from government, and their defection was confirmed by the king's unexpected escape from court [26].

The Start.

Whether disgusted by the invectives of the clergy, or alarmed at the idle surmises of his followers, that he would be delivered up as a peace-offering to the English army, Charles commenced a secret correspondence with the royalists, and an extensive insurrection was projected in the north. On the same day that he intended to escape, the committee of estates were to be surprised and seized by highlanders introduced into Perth. Dundee was to be secured by lord Dudhope, its constable; lord Ogilvy was to take arms in Angus; Middleton and the marquis of Huntley in the north. But this ill-concerted conspiracy was betrayed by Buckingham, and the king's escape was delayed beyond the appointed day. When he crossed the Tay under the pretext of hawking, instead of the numerous forces which he expected, he was received at Clova, by a few highlanders in a mise-

[26] Burnet, i. 76. Baillie, ii. 358—61. Balfour's Memorials, MS.

rable house; and on the arrival of Montgomery from the committee of estates, he was persuaded to return [27]. BOOK VI. 1650.

This incident was termed the *Start*; and though the mistrust of the covenanters, and their apprehensions from the royalists, were fully justified, yet from the danger of resorting to such desperate councils the king's situation was unexpectedly improved. The insurgents, who had taken arms by his orders, obtained an indemnity at his request. From the situation of a prisoner, in which he was regarded by such as were excluded from court, his person was rendered accessible to his friends. His coronation was no longer deferred by parliament; but it was preceded by a fast for the sins of his family, and by another national humiliation for the dangerous contempt to which the gospel was reduced. The ceremony was performed with every regal solemnity at Scone. The covenant was again confirmed and sworn. The crown was placed upon his head by the marquis of Argyle, who had reason afterwards to complain, that his own head was the ungenerous forfeit. When admonished by the clergy to adhere to his vows, Charles was saluted with acclamations destined never to be verified, as the first covenanted king of the Scots. His authority was sufficiently Coronation of Charles.

[27] Walker, 197. Baillie, ii. 356. Balfour's Memorials, MS. Had the committee of states known the extent of the conspiracy, or the design of seizing themselves, it is not probable that they would have so easily forgiven the *Start*.

BOOK VI. 1650.

established by the admission of his friends to parliament, and by the removal of the remonstrants from the committee of estates. Argyle, however, was still so considerable, that the king descended to the disingenuous proposal of a marriage with his daughter; but that discerning nobleman, convinced that the king was secretly estranged from him, regarded every offer as a snare for his destruction [28].

South of Scotland;

Amidst these transactions, the loss of the western counties was severely felt. Their forces were withdrawn to Dumfries; while Cromwell, after an unsuccessful attempt on Stirling, advanced to Glasgow without interruption. On Montgomery's approach from Stirling, to unite with the western forces or to reduce them to obedience, their commanders endeavoured to prevent his junction by some previous exploit. They attacked the English quarters at Hamilton, where Lambert was stationed contrary to their expectations with a considerable force. Here, though at first successful, they were soon repulsed, and Ker, their commander, was wounded and taken prisoner; while Strachan, disbanding such as had rallied, deserted to Cromwell his former commander, and the western forces were dispersed by a long pursuit [29]. Edinburgh castle, a virgin fortress, which had hitherto defied the besiegers' mines, was betrayed

[28] Baillie, ii. 360—6. Burnet's Hist. i. 79. Clarendon, vi. 395.

[29] Baillie, ii. 364. Parl. Hist. xix. 444.

by the governor, as soon as the batteries were erected; and the clergy who had fled for refuge thither, protested against the cowardice or the treachery of Dundas. The castles of Roslin, Tantallon, Hume, and others, were successively reduced; and during the winter season, the whole country within the Forth and the Clyde was subdued by Cromwell [30].

BOOK VI. 1651.

reduced by Cromwell.

Notwithstanding these accumulated and rapid misfortunes, the most vigorous preparations were made for the approaching campaign. The more violent covenanters, who had embraced the remonstrance, abandoned Charles, and the defence of their country; but the moderate united with his friends for its preservation, and the resources of a party yet untried remained. Volunteers of all ranks, who had languished under the former proscription of their party, crowded with emulation to the royal standard; and, as the levies were completed from each county, an army not inferior to the former was collected at Stirling. The king, at the request of the estates, assumed the command in person. The duke of Hamilton was appointed lieutenant, and Lesly major-general. Adhering cautiously to the defensive plan of the former campaign, they encamped in the Torwood, a few miles from Stirling, where their front was protected by the Carron and strong entrenchments, while the northern counties were open

Plan of defence.

[30] Parl. Hist. xix. 419. Baillie, ii. 368. Whitlock, 463.

BOOK VI. 1651.

behind for provisions and supplies. This plan however was imperfect, as another army was requisite beyond the Forth, between which and that of the king at Stirling, Cromwell would never have ventured to interpose. The military operations of the English general, which had been suspended by sickness, were resumed on his recovery; but he found the situation of the Scots impregnable, and their resolution to decline an engagement inflexible. Six weeks were thus inactively consumed, till Overton crossed into Fife, to intercept their supplies. Holborn and Brown were dispatched to oppose him; but as Lambert had followed with two thousand men, the Scots, after a desperate engagement, in which the cowardice or misconduct of Holborn and the personal valour of Brown were conspicuous, were almost entirely destroyed. Their gallant commander was taken prisoner; and at a disaster ultimately so fatal to his country, he expired of grief. Inverkeithing, Burntisland, and other fortified places in Fife, were immediately surrendered; and Cromwell, transporting the remainder of his army thither, advanced to Perth, into which a garrison had been just introduced. Such was the rapidity and vigour of his arms, that on the same day on which the moats were drained, the walls were battered down with his cannon; and lord Duffus, the governor, to avoid a general assault, was compelled to capitulate [31].

Disappointed by Cromwell

[31] Baillie, ii. 470—2. 4. Parl. Hist. xix. 494—7. 500. Balfour's Mem. MS.

THE

HISTORY

OF

SCOTLAND.

BOOK VI.

Negociations with Charles II.—Expedition, Defeat, and Execution of Montrose.—King's Reception in Scotland.—Cromwell's Invasion—and Victory at Dunbar.—March into England, and Battle of Worcester.—Conquest and Situation of Scotland under the Usurpation.—Revolution in England on Cromwell's Death.—The Restoration.

BOOK VI. 1643 Policy of the Scots.

SUCH was the critical situation to which Scotland was reduced, on the death of Charles, that the minutest error or misfortune in its policy became disastrous in the extreme. Whatever principles of liberty had been originally inserted in its constitution, the democratical forms and schemes of government agitated in England, had made no impression upon a nation to whose genius they were adverse; as they were irreconcil-

BOOK VI. 1649.

able with the feudal aristocracy to which the people were inured. The most violent of the parties into which the nation was divided, had not yet renounced their attachment to monarchy, and if the loyalty of the people was repressed by the civil wars, the execution of their native, hereditary sovereign was an event well calculated to revive the unextinguished flame. His death was ascribed to the surrender of his person to the English parliament; and an event which was never intended, and could not be foreseen, was to be expiated only, in the public opinion, by the reception of his son as their lawful king. But the movements of popular indignation were opposed by political considerations, and regulated by others of a religious nature. Their monarchy, re-established in the son of their deceased sovereign, could not fail, as an hostile defiance, to provoke the resentment and incur the vengeance of the rising commonwealth; and Hamilton's disastrous expedition might convince them, that their utmost strength was inadequate to support his claims upon the English throne. Their apprehensions however of a war, the more dangerous and formidable from the exhausted state to which the country was reduced, were superseded by the obligations both of their national covenant, and of the solemn league and covenant with England, in which the preservation of monarchy was particularly enjoined. But the same covenants, as they required the pro-

1651. King's march into England.

In the present extremity, to which Charles was reduced, his resources in the north were intercepted; the desertion of his troops increased, and as Cromwell might refuse to fight without eminent advantage, it was speciously alleged that no choice remained, except to starve, disband, or to march into England. The way thither was now unobstructed, and as his troops were nearer to the capital than those of Cromwell's, he embraced the desperate resolution of abandoning one kingdom for the precarious chance of regaining another, where he expected to be joined on his arrival by his numerous friends. The resolution was opposed by Argyle alone, but with arguments confessedly of no inconsiderable strength. It was ungenerous to desert a loyal people who had received him when an asylum was necessary, and still continued to support him on their throne; much more to deprive them of their last army, and to leave them exposed to an unobstructed conquest. To remain on the defensive, in a country where his authority was acknowledged, was safer far than to transfer the war into another, where no insurrection was prepared for his support; and if the passes to the north were preoccupied, the west and the south were abandoned, or left unprotected by Cromwell. If a defensive war were continued, the present force might again reduce that victorious commander to his former difficulties; and an army levied beyond the Tay, would compel him either to submit or to

BOOK VI. 1651.

retreat to his ships. But the hope of assistance to be obtained in England was altogether delusive, as they had fatally experienced in their last expedition; nor from its unfortunate event, or from the recent detection of their correspondence with the presbyterians, was greater success to be expected in the present. Argyle, whose reasons were rejected, was permitted with some hesitation to retire to his estate. The camp was suddenly raised; and Charles advanced into England, by rapid marches, with an army of eighteen thousand men [32].

Pursued by Cromwell.

It is uncertain whether Cromwell was more surprised or pleased, at an event to which his operations had so materially contributed. He knew that the royalists were a broken, dispirited party, and that the conspiracies of the English presbyterians had been detected and suppressed. His conduct was the same at Preston, where he interposed between the enemy and their return to Scotland, and he foresaw the ruin of the king from his march into England, and the destruction of his own troops from a winter campaign [33]. While he exhorted the parliament not to be surprised at the approach of the Scots, he ordered the militia to assemble and obstruct their progress; dispatched Lambert, with the cavalry, to retard their march, and leaving Monk with seven thousand troops for

[32] Clarend. vi. 397. Burnet's Mem. 426.
[33] Parl. Hist. xix. 500.

the reduction of Scotland, hastened homeward himself within two days in pursuit of the king.

1651. King disappointed of aid.

The expectations of exciting an insurrection in England were disappointed, and Charles, in his progress through Lancashire, had not been joined either by the presbyterians or by his father's friends. None were prepared to support an unexpected invasion, which resembled rather a precipitate flight. The militia that guarded the public roads prevented their assembling, and while the event was uncertain, they remained undetermined; intimidated by Cromwell's unremitting pursuit. The royalists were further deterred, by a declaration of the committee of ministers resolving to admit of none who professed themselves hostile to the covenant, which the army was intended to prosecute and restore: the presbyterians were discouraged, by an intercepted letter in which Charles directed Massey, who preceded his march, to suppress the declaration which the clergy had prepared. From the same distrust of his sincerity or of his success, the Scots attached to the covenant deserted so fast, that his army was now diminished to fourteen thousand men. At Warrington bridge their passage was disputed by Lambert, who retired in real or affected disorder; but the sagacious Lesly, whom the king reproached as alone dispirited, already presaged their approaching destruction [34]. Exhausted by fatigue, and

[34] Parl. Hist. xx. 4. 8. 18. Clarend. vi. 400. Baxter's Life, 68.

BOOK VI. 1651.

unable to prosecute their march to the capital, they were invited to Worcester, a loyal city, where from its vicinity to Gloucester Massey expected to be joined by his former adherents. But the militia, whose numbers amounted to eighteen thousand, closed around the devoted city; and when Cromwell arrived with a veteran army almost equally numerous, there remained no hopes of retreat, and scarcely even the chance of escape.

Battle of Worcester. Sept. 3.

The assault was appointed on the third of September, as a day propitious to Cromwell, and fatal to the Scots from their defeat at Dunbar. Fleetwood, his lieutenant, attacked the enemy beyond the Severn, and while their communication was preserved by a bridge of boats, the assault of Worcester was reserved for himself. Such was the obstinate resistance which Fleetwood encountered, that a large part of the army was transported by Cromwell across the Severn; and while his troops were thus divided, the Scots, to prevent the assault which they dreaded, burst forth with their whole force, at the opposite gates. Their attack was at first successful; the invincible life-guards of the English commander began to recede, and for some time his artillery remained in the possession of the Scots: but his return with fresh forces restored the battle, which was obstinately disputed, in close encounter, for three hours with alternate success. The Scots at length, oppressed by superiour discipline, and overpowered by numbers, fled in disorder to defend the unfinished entrench-

ments of the city; but the enemy had already entered the gates, and all within was confusion and dismay. While the citadel was stormed, and fifteen hundred were put to the sword by Cromwell provoked at their resistance, Charles escaped from the city with the horse who abandoned their foot to destruction. The whole battle, one of the severest which Cromwell had ever witnessed [35], subsisted for five hours till the descent of night. Three thousand were slain in the field. Ten thousand prisoners were taken in the town, or in the pursuit next day; and, when driven to London, such as survived the mortality of a crowded prison and the want of food were shipped for the plantations. The duke of Hamilton was mortally wounded. Eleven noblemen were taken prisoners, of whom the earls of Derby and Lauderdale were destined, the one for the scaffold, and the other for perpetual imprisonment in the tower. Lesly and Middleton, who escaped with the horse, were intercepted in Yorkshire; and if a few fugitives were preserved by flight, none returned in a body to Scotland [36].

BOOK VI. 1651.

The king's escape from the battle of Worcester, has been frequently related, and is perhaps suffi-

King's escape.

[35] Parl. Hist. xx. 44—6. 63. Whitlock, 482. Clarendon, and the historians who transcribe his narrative, have grossly misrepresented the behaviour of the Scots. Cromwell, whose dispatches contain the only distinct account of the battle, does them more justice. "Indeed it was a stiff business—a very glorious mercy—as stiff a contest as I have ever seen." Id.

[36] Parl. Hist. xx. 53—7. Clarend. vi. 411. Whitlock, 485.

BOOK VI. 1651.

ciently known. While the world was ignorant or apprehensive of his fate, he was preserved by the most exemplary fidelity, attended with circumstances of the most romantic distress. Disengaging himself from the horse, that accompanied his flight, he rode with a few friends to the confines of Staffordshire and Shropshire, and dismissing his attendants before the break of day, was recommended to the Penderells who lived at Boscobel, in the humble and laborious situation of woodmen. All day he remained in the woods, disguised as a peasant employed in cutting faggots with a bill. By night he was conducted from cottage to cottage, subsisting on the homely fare of his attendants. In one instance he took refuge in a large oak, where, concealed by the leaves and branches, he discerned and overheard his enemies, who were searching for fugitives in the adjacent woods. When he was conveyed to persons of a higher rank, the recesses used in every popish family to secrete their priests, were employed for his preservation; and the civil wars having served not only to detect the characters, but to prove the resolution and fidelity of men, the confidence to be reposed in each was precisely known. As his stay was no longer safe in the midst of the kingdom, surrounded by enemies, and with a large reward attached to his head, he was conveyed to the neighbourhood of Bristol, by the contrivance of colonel Lane, whose sister rode on a pillion behind the king. It was impossible, however, to procure a

On the approach of Monk, whose detachments penetrated to the remote isles of the north, Huntley and the earl of Balcarras, with an inconsiderable party, retired to the highlands; and, as the first conquest of their new republic, the English boasted the subjection of a country impervious to the Romans, which had resisted the arms and the arts of Edward and Henry, their former kings [39]. BOOK VI. 1651.

It is extremely probable that Cromwell, to facilitate his own usurpation, had already destined Scotland for a military government under his officers, but the parliament was careful to reserve the civil administration to itself. St. John, Vane, and six others were appointed commissioners to settle the kingdom, with instructions to adjust an incorporating union; and under these [illegible]ious terms, the introduction of an English [illegible]ment was artfully disguised. Delegates w[illegible] [illegible]moned to attend the commissioners; but t[illegible] returns of the sheriffs demonstrate that the [illegible] was a compulsive measure, unacceptable to the Scots. The clergy protested against it, as conducive to the subordination of the church in the affairs of Christ. The boroughs and shires who refused to send delegates, or whose delegates refused to accede to an union, were, the former disfranchised, and the latter excluded from the protection of government [40]. Thirty-four delegates, out of Union with England.

[39] Whitlock, 486—9. Balfour's Mem. MS.

[40] Whitlock, 487—99. 502.

BOOK VI. 1651.

ninety counties and towns to which writs had been issued, concurred at length in an union; or rather in electing representatives to arrange the conditions with the English parliament. In terms imposed by the sword, there is no reciprocal communication of benefits; between the conquerors and the vanquished no balance of obligations is preserved. A transaction therefore in which power alone was consulted, would ill deserve our attention, were even a single record of the deliberations extant. If availing themselves of the right of conquest, the English had proposed to abolish the municipal laws and to subvert the established church, they were probably deterred by the fortitude of Argyle, who alone acted with public spirit, amidst the national calamities which might have been prevented by his advice. When he withdrew from the army, his councils and his presence were obnoxious to Charles; but when he discovered Cromwell's intention to treat the country as a conquered province, he fortified himself upon his estate; invited Huntley and the royalists to form an association for mutual defence, and from his own authority summoned a convention of estates in the highlands. The confederacy, from personal or family animosities, was rejected by Huntley; Balcarras and the royalists capitulated with Overton, and consented to disband. From an abject despair of the public safety, no one attended his summons to the estates; but his firm and resolute conduct inspired the conquerors

vessel there; and when conducted to colonel Windham's in Dorsetshire, he was again disappointed of shipping, and experienced the most imminent dangers and unexpected escapes. Upon one occasion, a smith observing that his horse had been shod in the north, went to communicate the circumstance to a fanatical preacher, engaged in prayer; but, before his devotions were finished, the king had departed. In descending a hill with a female cousin of Windham's behind him, he met Desborough the parliamentary general, and passed undiscovered through his whole line. A vessel was at length procured at Shoreham in Sussex, and forty-five days after his escape from Worcester Charles was safely transported to France. Fifty persons of each sex were entrusted with his concealment at different times; and if estimated by the obscure condition of his preservers, and the magnitude of the reward, his escape (which was deemed miraculous by his adherents) has been exceeded only by that of the late pretender, his brother's grandson, from the battle of Culloden[37]. BOOK VI. 1651.

When the army was thus withdrawn from the defence of Scotland, the reduction of that kingdom was accomplished without loss, and almost without resistance. Stirling castle was provided with whatever was requisite for its defence; but the garrison consisted only of highlanders unaccus- Reduction of Scotland

[37] Carte, iv. 639. Bate's Elenchus, 240. Clarend. vi. 413—18.

BOOK VI. 1651.

tomed to the perils of a siege. Terrified at the explosion of the shells, they mutinied against their commanders whom they forced to capitulate, and departed, loaded with the plunder of the fortress which they had refused to defend. The records of the kingdom, preserved on the surrender of Edinburgh castle, were retaken at Stirling; and were unnecessarily transported by Monk to the tower of London. His arms were next directed against Dundee; a rich and fortified town in which the wealth of the adjacent country was secured. An unavailing resistance was encouraged by the promise, or the hopes of relief; but the committee of estates were surprised at Alyth, and taken prisoners by Alured, who dispersed the levies which they had begun to collect. A similar attempt of the royalists was suppressed at Dumfries; and no public authority or force remained for the preservation of the kingdom. From the intemperance of the royalists, Dundee was won by surprise or by storm. The garrison was devoted to the sword; the inhabitants of each sex, and of every age, were abandoned by Monk, to an indiscriminate massacre; and the gallant Lumsden, their governor, after obtaining quarter, was put to death at his inexorable command[28]. Intimidated by this severe example, Montrose, Aberdeen, and St. Andrews, surrendered at discretion.

[28] Parl. Hist. xx. 29. 56. 62. Balfour's Memorials, MS. Whitlock, 482—4. Gumble's Life of Monk, 48. Statistical Accounts, vii. 212.

themselves with moderation. Two of the commissioners, Saloway and Dean, condescended to treat in person with that potent chieftain, whom they surprised at Inverary; and it must be acknowledged that he was the last to submit to Monk, and the last to accede to an union with England[41]. From the violent dissolution of the English parliament, upon the usurpation of Cromwell, the conditions of that union remained undetermined. But its principle was supported by a numerous army; and the subjection of the people was preserved by a chain of forts, of which the vestiges still remain, in the remotest corners, to remind the nation of its former servitude.

BOOK VI. 1652.

Such was the calamitous issue of a series of wars, undertaken from principles of civil and religious liberty; an ancient nation, till then unconquered, subdued by a party hardly perceptible in England when the wars commenced. When we review the principal transactions, and estimate the most distinguished characters of that eventful period, the unexpected success of the Scots, in opposition to the crown, must be imputed chiefly to the talents of their leaders, and to the union preserved among the prime nobility attached to the covenant. In the timid and irresolute moderation of Hamilton, in the bigoted, and short-sighted violence of Laud and Strafford, or in his own obstinate and imperious disposition, Charles I. found no resource against the flexible and popular talents

Review of parties and events.

[41] Whitlock, 486—9—90, 1.

BOOK VI. 1652.

of Rothes; the shrewd persuasive eloquence, and the dexterous address of Loudon; the cool and profound sagacity of Argyle; the dark, yet not inconsiderate impetuosity of Lauderdale; and the subtle and inventive enthusiasm of Wariston. The superiority of military talents was also theirs; and Montrose and Middleton, the most distinguished commanders of the opposite party, contributed originally to establish the covenant. But the advantages derived from their union, were lost in consequence of the fatal Engagement. The nation, preserved from destruction by the interposition of Argyle, was again exposed to the same danger when Charles II. was invited home to receive the crown. Their connection with England had already subsisted so long, and become so intimate, that it was impossible on his return to remain at peace with the new republic; and very difficult, from their internal dissensions, to resist its arms. Tranquillity may be preserved by a federal alliance between different governments, whose structure is similar, but no alliance could subsist between the English commonwealth and a Scottish monarch, its inveterate opponent. In such a deadly contest it was obvious that the weaker must perish. A distracted nation, impoverished and exhausted by successive wars, presented an easy conquest, and from the inveteracy of its factions could exert but half its strength against an invading foe. But the political situation of the Scots was disregarded; their loyal feelings were alone consult-

ed in the recall of the king. The considerations of expediency and the dictates of sound policy were forgotten, when the same nation, which had refused an asylum to the father, submitted voluntarily, to an exterminating war by the reception of his son. We may blame on the one hand, a rigid and absurd attachment to the covenant; or on the other, an abject and not less intolerant devotion to the crown; but the primary cause of their subjection to England, was the recalling of Charles, at a time when the nation was unable either to support his rights, or to assert its own independence with success. Measured by the common rules of expediency and prudence, the deed which we applaud as generous, must be condemned as impolitic and ruinous to the kingdom. BOOK VI. 1652.

During the subsequent usurpation of Cromwell, the history of Scotland is almost entirely mute. Her writers seem to avert their eyes, from a period of ignominious, yet not intolerable servitude; but the silence ascribed to their shame or their vexation, may be better explained by the inglorious state to which the nation was reduced. As the beginner, and as an active confederate, she maintained a distinguished character during the civil wars; but her importance was lost, and her independence extinguished, in consequence of her compulsive union with England. Without any share or interest in the naval expeditions and triumphs of Cromwell, her external history ceased with her government; and the imperfect annals

BOOK VI. 1653.

of her domestic slavery, are distinguished only by a single insurrection which I shall proceed to relate.

Insurrection in the highlands.

When Monk was recalled to the command of the fleet, the earls of Glencairn and Balcarras, encouraged by his absence, or apprehensive that their correspondence with Charles had been detected, retired to the highlands, where a few tribes were prepared to take arms. They were joined by the earl of Angus, Montrose, lord Kenmure, and Lorn the son of the marquis of Argyle, who adhered with a saving policy to a party different from that of his father, that which side soever should prevail, the family might be preserved[42]. It is seldom that a conquered people submits at once to a foreign yoke. Notwithstanding the vigilance of Lilburn to disperse their levies, many of the young and discontented gentry repaired to the highlands, whither the most serviceable horses were conveyed for their use. Their numbers amounted to five thousand, a greater force than Montrose had commanded; but Glencairn, who proposed to imitate his exploits, possessed no share of his exalted enterprising spirit, or of the ascendency which genius acquires over the human mind. His authority was disputed, and on producing a commission from Charles, reluctantly obeyed. Dissensions encreased to such a shameful height, that Middleton, who had escaped from the tower, was

[42] Baillie, ii. 377—91.

invited and sent from court to supersede Glencairn who had been the first to take arms, and whose submission to the English, gave the first example of a contagious defection.

Singular enterprise.

A singular and romantic enterprise was undertaken by Wogan, an adventurous young man, who attended the court of the exiled king. Engaged in his early youth in the service of parliament, he had been reclaimed to royalty by the execution of Charles I. From a restless spirit, impatient for action and distinction, he now determined to march through England to the assistance of Middleton, with whatever troops he could collect on the road. Neither the entreaties of his friends, the opposition of the ministers, nor the advice of Charles himself could dissuade him from the attempt. He landed at Dover with a few companions, who remained three weeks in London undiscovered, enlisting men among their acquaintance and friends, and purchasing horses, which were openly quartered at the public inns. Departing under the designation of Cromwell's soldiers, a troop of four-score horse completely armed, was conducted by Wogan, through unfrequented roads, without a single misadventure, to the highlands of Scotland. He distinguished himself there by many gallant exploits; but from the want of skilful assistance, he died prematurely of an inconsiderable wound [43].

[43] Clarendon, vi. 507.

BOOK VI.

1654. Insurrection suppressed.

The royalists, who had anxiously solicited foreign auxiliaries, to confirm their party, were taught to expect the arrival of Charles or of his brother James. But the escape of the former was too recent, and the situation of both too desperate for either to endanger his person in a new expedition. From Monk's severity, on returning with additional forces to suppress the insurrection, no hopes of accommodation or of success remained. The *protector* however, still insecure in his late usurpation, was apprehensive that an insurrection in Scotland might prove a dangerous prelude to commotions in England. An indemnity was therefore privately offered, and successively embraced by the earls of Athol, Seaforth, Montrose, Kenmure, and at length by Lorn, whose father had already submitted to receive an English garrison into Inverary; and Middleton, weakened by their defection, was surprised at Lochgearry, where his forces were dispersed. Had they continued united, their numbers and despair might have rendered the highlands impervious to Monk. But his army penetrated without opposition through the highlands, the reduction of which was completed and preserved by his numerous garrisons; and the depredations of the lawless natives, were for once restrained by a vigorous arm [44].

July 26.

[44] Clarendon, 529. Baillie, ii. 378—94. Burnet, i. 85. Thurloe's State Papers, ii. 388—483. Gumble's Life of Monk, 82. Skinner, 66. Whitlock, 5. 79.

1655.

State of Scotland under the usurpation.

Such was the last effort of resistance, and how incessant soever the suspicion of plots and conspiracies, such was the only public, or important event that occurred in Scotland, during the protectorate of Cromwell. The history of a free people, or of a people struggling to preserve, or to recover their freedom, when their passions and talents are roused and exerted with an unwonted energy, presents an impressive spectacle to the human mind. But a state of servitude is dull and oblivious. A few years of liberty are far more interesting and more instructive to humanity than an age of despotism. Yet the civil and military institutions of the conqueror, the innovations produced by a new government, and the internal progressive state of the country and its inhabitants, may furnish a subject of curious inquiry, even when the history of public transactions is silent. Without adhering rigorously to the period of the usurpation, I shall proceed concisely to examine, I. The government; under which the constitution, arms, and revenues of the state, and the administration of justice and religion, are comprehended. II. The useful and refined arts, including the commerce and literature of the nation. III. The manners of the people, and the discriminative character and habits of the age.

Government.

I. The civil administration was lolged at the accession in the privy council, from whom it was afterwards transfer[illegible]ttee of estates.

BOOK VI. 1655.

From the additional power and splendour which the crown acquired, the constitution was sunk and lost in an arbitrary government, in which the will of the sovereign, of old so limited, became the supreme law of the state. The ancient nobility were subjected to the crown, and were gradually excluded from a seat in council, or their authority was overruled by the prelates and minions of the court. Their indignation at being thus deprived by an upstart faction, of their former power and hereditary influence, contributed not a little, during the subsequent commotions, to their opposition to the crown. On regaining their influence, the supreme authority was vested in the committee of estates, which was responsible only to parliament, and controlled by the commission of the church alone. But as every established authority was swept away, or annulled by the rights of usurpation and conquest, the nation groaned under a military government till the royalists were suppressed, when a council of state was instituted, under lord Broghill its president, to reside in Scotland, subordinate to the protector and his English council. Of nine members, Lockhart and Swinton were the only Scotsmen; but its powers, more extensive than those of the privy council, comprehended the civil administration, the disposal of the revenue, the regulation of the exchequer, the appointment of commissioners of customs, excise, and sequestrations, with the whole train of subordinate officers; [illegible] of inferior judges,

sheriffs, commissaries, and justices of peace. By an additional authority over the church, its approbation was requisite to entitle the clergy to the fruits of their benefices; but in the exercise of those extensive powers, the council was strictly responsible to Cromwell[45].

Representation.

The people, however, had no interest nor share in the government. In the convention surnamed Barebone's parliament, which was summoned personally after the forcible dissolution of the long parliament to receive the legislative power from Cromwell, five members were appointed as an adequate proportion for Scotland. By the instrument of government in which he was declared protector, the number was encreased to thirty, but such was the general aversion to an union, that twenty were only returned to the next parliament. The union was then ratified; and an ordinance was issued to incorporate the two nations into the same commonwealth; to exempt from imposts the commodities of each when imported into the other; to abolish vassalage, and the whole train of feudal incidents, services, and confiscations exacted in Scotland; and to suppress the hereditary territorial jurisdictions into which the country was divided. In the succeeding parliament the returns were more complete; but the representatives were either English officers, members of the council, courts, and boards of reve-

[45] Skinner's Life of Monk, 72. Thurloe, ii. 111. 711. v. 530.

BOOK VI. 1656.

nue, or a few temporizing Scotsmen in whom the protector could confide. The influence of Argyle was patriotically exerted, in opposition to the council of state, to procure the return of Scotsmen alone; but his person was so peculiarly obnoxious to government, that his own election, (notwithstanding his former interest) was prevented by Monk, till returned as a commoner to Richard's parliament[46].

Military establishment.

The nobility had dismissed their warlike retainers; but in a country not entirely disused to arms, among a people not attached to the fixed and sedentary occupations of domestic industry, numerous armies were expeditiously raised. The first armies of the covenant were levied and disciplined by frequent musters in each parish, and collected by means of the ardent enthusiasm which pervaded the nation. Each soldier was furnished with arms and a month's provisions; and as they were previously disciplined, upwards of twenty thousand fit for immediate action were assembled at once. The expence of the campaign was at first defrayed by voluntary contributions and loans[47], but in the progress of the civil wars, a more regular plan was adopted for supplies. A committee of war was established in every district, and whether to raise, or to reinforce an army, a fixed requisition of horse and foot was exacted by

[46] Parl. Hist. xx. 306. xxi. 20. 261. Thurloe, v. 295. 322—66. vii. 583. 600—13—16. Baillie, ii. 395.

[47] Parl. Hist. i. 157. 70—4—8. 203.

parliament, from each county and town, and a monthly maintenance or assessment was imposed to pre[illegible] them embodied against Montrose. A horseman's pay was a shilling or fourteen pence, a foot soldier's, four-pence or five-pence a day; but the monthly maintenance was so slowly advanced by the different counties, that it was frequently commuted for free quarters. It is difficult to estimate the established force, which, if actually levied to resist Montrose, must have amounted to twelve thousand men; requiring nine thousand pounds sterling a month, at a time when an army of twenty thousand was retained at the same pay in the service of England[48].

BOOK VI. 1650.

Cromwell's military establishment in Scotland amounted, during Middleton's insurrection, to eighteen thousand men; but it was afterwards reduced to nine thousand, exclusive of some inconsiderable garrisons. Twenty-eight garrisons were maintained in the castles and forts, which he had seized or constructed to overawe the country; but the principal forces were stationed at Leith, Air, Inverness, and Glasgow, where citadels were erected, and at Inverlochy castle, which was repaired and garrisoned to restrain the highlands. As a trooper's pay was half a crown, and a common soldier's a shilling a day, the expence of the army in 1654 was upwards of half a million a

under Cromwell.

[48] Rescinded Acts, Session i. Act 35. Ses. ii. Act 2. Ses. iv. Act 6. Ses. v. Act 9. Ses. vi. Act 6. Parl. 3d. ch. i.

BOOK VI. 1656.

year; but when the army was reduced, its expence was diminished to two hundred and fifty thousand pounds. The regiments were frequently recalled by Cromwell, who was jealous of Monk's ascendency over them; and were replaced by others of whose dangerous fanaticism he was apprehensive in England. A design was once concerted by Overton and other republicans to secure Monk, and march into England to dethrone the protector; but when the conspiracy was detected, it was observable that the officers were no sooner arrested or cashiered, than their influence over the soldiers immediately ceased[49].

Revenue.

The subsidies occasionally granted to the crown, were levied according to an old valuation, or rental of the kingdom. The largest never exceeded 400,000*l.* scots, or 33,333*l.* sterling. On the first expedition into England a land tax of the tenth of rents was imposed, and a new valuation was appointed by parliament, to render the assessment more equal upon property, and at the same time more adequate to the necessities of the state. A period of civil wars is seldom favourable to the improvement of the revenue. The assessment, after a long interval, was slowly collected; but the valuation was not accomplished till the execution of Charles I., when a general estimate of each county was probably framed. This valuation was confirmed in the usurper's second parliament at

[49] Journals of the Commons, Dec. 1652. Parl. Hist. xxi. 333. Thurloe, v. 472. vii. 476. Skinner, 74. Gumble, 91.

Westminster; and is still retained, as the rule of every assessment on land. The patrimony or established rents and revenues of the crown amounted in 1650 to 33,000*l.* sterling, including the customs, but the deductions applicable to the offices of state, and the alienations made to rapacious courtiers, reduced that sum to little more than 17,000 pounds[50]. An excise was first introduced, in imitation of England, during the civil wars; and extended to articles not only of foreign luxury, but of domestic growth and necessary consumption, upon which a tax is far more vexatious than profitable. The inland excise, under the administration of parliament, never yielded above 13,200*l.*; till the revenue was farmed a sum absorbed by the expence of collections. When appropriated to government, the episcopal rents were computed only at 11,200*l.* but it is difficult to ascertain either the precise revenue, or the public expenditure, before the usurpation[51]. Anno 1640.

The council of state was industrious to diminish the expence, and to increase the defective revenues of Scotland. A land tax of 120,000*l.* sterling was first imposed, by monthly assessments of 10,000*l.* But it was represented by the inhabitants, and by Monk himself, as an intolerable burden; as more than a fourth of the yearly rent, and a sixth part of the assessment of England; and it was collected by the soldiers with extreme difficulty, till re- during the usurpation.

[50] Thurloe, i. 153. vi. 445—70.

[51] Act 36. Parl. 1644. Thurloe, i. 722. iv. 48.

BOOK VI. 1657.

duced successively to 7500*l.* and 6000*l.* a month, and established at 72,000*l.* a year [52]. In 1656, the customs amounted only to 4637*l.* and the excise to 34,313*l.* but they encreased in three years, from a more diligent collection, to 62,154*l.* sterling [53]. The public revenue at Cromwell's death, was 143,642*l.*; the public expenditure, civil and military, 286,458*l.* and the annual balance (142,806*l.*) was remitted from England [54]. Such was the expensive nature of a conquest which was beneficial to the vanquished alone, from the wealth employed to preserve their subjection; but the pressure of taxes was severely felt, while the influx of money was slow and gradual; for if a monthly assessment of 10,000*l.* exceeded a fourth part of the yearly rent, we must conclude that a large proportion of the specie in circulation was annually absorbed and returned by the state.

Administration of justice.

During the whole of the last and of the preceding century, the administration of justice had been a subject of frequent and just complaint. The court of session had been established by James V., instead of the daily council, and in imitation, it is said, of the parliament of Paris. However necessary at its first institution, to preserve a majority unintimidated by the potent barons, the number of the judges in the progress of society constituted

[52] Thurloe, ii. 476, iii. 48, iv. 160—6. 330—51. Parl. Hist. xx. 208. xxi. 328.

[53] Thurloe, iv. 330. vi. 445.

[54] Parl. Hist. xxi. 328—30—3—5.

a radical defect in the court. A few supreme judges are placed, like insulated individuals, each in a conspicuous station, exposed to the eyes and severe animadversion of mankind; and their characters are consecrated to the exact discharge of a sacred function. The weak and the ignorant are deterred by a sense of incapacity, from a laborious office which they are unable to execute; and such is the influence of popular opinion, directed towards an individual, that in the decision of private causes, the most profligate instruments of tyranny or of faction have been found upright. From the number of its judges, the court of session was too apt to forget the dignity requisite in judicial proceedings, and to suffer them to degenerate into the protracted debates, and capricious decrees of a popular assembly. The majority were promoted by the influence of some powerful faction or family, to which they were attached; and of fifteen *ordinary* judges, abilities, eloquence, and professional knowledge were the lot only of a few, whose superior address might acquire an undue influence over the rest. Their numbers served only to multiply, and extend their family or political connexions, and to shelter the individual from popular censure; and their mode of preferment, as affected by interest rather than by merit, rendered them peculiarly dependent on the crown. In a country where no precedents nor laws were established, except a few temporary or concise statutes, the intricacy and the frequency of questions,

BOOK VI. 1557.

BOOK VI. 1657.

between the nobility and the crown, or their subordinate vassals, to subject them to the various incidents, escheats and oppressive exactions of the feudal system, must have furnished ample temptation and room for injustice. The popular favour acquired on the first institution of the court, and preserved by moderate and just decisions, was lost when the *nobile officium* was arrogated; a power originally without a name, assumed as if inherent in every supreme court, to interpose wherever the laws were defective or silent; to alleviate their rigour, or to correct their imperfections. A court of justice vibrating thus between law and equity, but adhering to neither, seems to have excited the popular complaint of Buchanan, who laments that the property of the Scots was subjected to the absolute will and disposal of fifteen men, whose authority was perpetual, whose powers were tyrannical, and whose arbitrary decrees were the only laws[55]. The admission of judges to the offices of state (those of king's advocate, clerk register, and secretary of state were not unfrequently united with the judicial character,) opened a dangerous path to their ambition, which it was difficult if not impossible to tread with integrity. Whatsoever independence might remain on the bench, was overpowered by the occasional attendance of the *extraordinary* lords, who were created from amongst the council, without a salary, to support the secret influence of the

[55] See Note XIX.

crown. When the supreme judges were thus converted into statesmen, we are no longer surprised to find them engaged in the most flagitious transactions of the preceding age [56]. The plea of a minister, or of a minion was seldom unsuccessful; nor was his influence exerted for himself alone, but for his connections and friends. From an obsequious and criminal compliance with the solicitation of a court, the interval is not great nor the transition difficult to private corruption. The court of session was at times so corrupt, that in the public opinion, the rich had no occasion to lose their cause, and at times so venal, that money was notoriously dispensed at the bar, in order to purchase the votes on the bench. Personal solicitation was not disused, till a later period; and it is observed that nothing contributed more to the early authority which the clergy acquired than their popular invectives against the partial or prostituted decrees of the bench [57].

When the first parliament of Cromwell abolished hereditary territorial jurisdictions, constables and justices of peace were substituted; offices which James VI. had established but suffered to expire. The commissary and sheriff courts were

English judges.

[56] Maitland of Lethington, and Sir James Balfour, the devisers of Darnley's murder, were both on the bench. Sir James Macgill and Archibald Douglas of Spot, though openly engaged in Rizio's, and the latter secretly in Darnley's murder, were also judges.

[57] See Note XIX.

BOOK VI. 1637.

held by English officers, who administered a summary yet not unsubstantial justice, according to the plain dictates of an unlettered understanding. But the supreme court was constituted upon two principles: the first, that Scottish judges should be admitted in order to explain and facilitate business, but that they should be deprived of a majority, as corrupt or partial to their allies and friends; the second, that the laws and judicial proceedings might be gradually assimilated, by a majority of English judges, to the practice of England. Four English and three Scottish judges were accordingly appointed; and regular circuits were established through the country. The administration of justice was slow, but impartial, and the present use of voluminous memorials, instead of pleadings, originated from their ignorance of the Scottish law, and from the refusal of the principal advocates to attend their bar. Their decisions are marked rather by sound sense, than by the subtleties of legal discrimination, and were long remembered as the purest and most vigorous dispensation of justice which the nation had enjoyed [57].

Religion.

While the country beyond the Forth was possessed by Charles, a general assembly had been held at St. Andrews, to confirm the public resolutions, and to inflict a salutary punishment upon

[57] Whitlock, 570. Thurloe's State Papers, iv. 57. 250—68. 524. Baillie, ii. 377—95. Forbes's Journal of the Session, Preface, xvi.

the remonstrants. But the latter renewed their protestation, against the authority of their national idol, the assembly itself; the election of which was *prelimited* they said, by recommendatory letters from the commission of the church. The dispute was exasperated by the deprivation of some remonstrant ministers; and a subsequent assembly rendered the disorders of the church incurable. When debarred by Cromwell from civil persecution, each party appealed to the people in a voluminous controversy; the resolutioners as a majority of that body, whose parity it was impossible to preserve, if a minority presumed to resist its decrees; the remonstrants, as the pure and orthodox part of the ministry, not obliged in doctrinal articles to submit to the errors of an infallible church. Their violence required the interposition of the military, and their next assembly was forcibly dissolved. From the artful policy which Vane recommended, synods and presbyteries were permitted to subsist, and in these subordinate judicatures, the dissensions of the clergy were suffered to increase, that both parties might be rendered dependent on the civil magistrate to whom they both appealed. By a recent statute enacted for the abolition of patronage, the choice of parochial ministers had been transferred to the congregation, and wherever a vacancy occurred, each party endeavoured to introduce an adherent of its own. The remonstrants were inferior in numbers, but this defect was compensated by

BOOK VI. 1655.

July 1652.

BOOK VI. 1657.

more outrageous devotion and violence. A more fanatical worship began to prevail; long and frequent extemporary sermons, of which the constant topic was the corruption of a regenerated church; more vehement and incessant prayers, and a prophetic intonation which it is impossible to describe [18]. The settlement of a new minister was dishonoured by indecent tumults; the rites were not unfrequently defiled with bloodshed; and the people were disfigured and dispersed by blows and wounds. Each party proceeded to inflict deprivation upon the other; and as the possession both of the church and the benefice depended on the council, they applied alternately to Cromwell for protection and for assistance. The balance was adjusted and preserved with a skilful hand. When the protector condescended to court the presbyterians, lord Broghill humanely endeavoured to appease their dissensions, in order to conciliate their joint support to the established government. Their conferences proved ineffectual; but his authority enforced a mutual toleration, more odious perhaps than persecution itself. The tender of the covenant, and of other religious oaths, was prohibited; and excommunication, divested of its terrors, was deprived of every temporal or legal effect. The clergy were required to desist from their prayers for the exiled king. The

[18] Burnet, i. 85—7. Whitlock, 541, 528. Baillie, ii. 370—3. Baillie describes this peculiar cant as a pythonising out of the belly of another person.

remonstrants complied, as less disaffected to the protector's government; but the resolutioners refused till their stipends were about to be sequestrated, when they adopted a saving maxim, that a prince unable to afford them protection, might dispense with their prayers. From an unlimited toleration, the increase of sectaries was apprehended and deprecated as a national evil: but such was the artful texture of presbyterian discipline, or such the censorial rigour of its parochial sessions, that of the numerous sects which prevailed in England, though a constant influx was occasioned by the army, the quakers alone, whose peaceful doctrines were recommended by the recent horrors of war, obtained a permanent establishment in Scotland [59].

BOOK VI. 1657.

II. In barren countries, whose inhabitants are poor and addicted to arms, the arts of utility or of luxury are few, and indeed their history unimportant; but in Scotland the accession was an event peculiarly unpropitious to every art. The spirit of improvement that pervaded the rest of Europe, was discouraged when the splendor and elegance of the court were withdrawn, and the general residence of the prime nobility was transferred to England. An universal dejection succeeded the transient joy which the restoration had excited. Whatsoever industry the nation possessed, was extinguished or cherished only in a foreign clime; and Jameson, the pupil of Rubens, is the single

Arts.

[59] Burnet, i. 86. Thurloe, iv. 129. 557, 8.

BOOK VI. 1657.

distinguished painter whom Scotland produced. Nor was its progressive situation alone suspended. In every species of improvement its distance from England was increased by the accession; and to estimate its progress in the arts or refinements of social life, we must uniformly consider Scotland as a century behind.

Agriculture.

A vague opinion is entertained by some, that Scotland at some former period was highly cultivated: but it is impossible to assign an adequate cause for the decline of agriculture, or to discover at what period of its history a better mode of cultivation prevailed. At an earlier period than the present, the produce of the country was confined almost entirely to bear, (an inferior species of barley) and to oats. Instead of military tenures, infeudations for rent had been recommended by the legislature, and generally adopted to encourage a better cultivation; but the state of agriculture must have been poor indeed, when it required a new species of tenure, and a perpetuity instead of a temporary lease[60]. The peasants never were bound to the soil; but husbandry in the present period, continued to languish without encouragement or the means of improvement. The farmer, whose possession was either precarious or of a short and improper duration, neither in-

[60] Henry's Hist. vi. 584. From the rental of the great church benefices at the general assumption, it appears that the rent reserved in wheat bore no proportion to that of other grain. Keith's Hist. App. 182.

closed nor planted, nor strove to ameliorate the sterility of the soil. A portion of his farm, the most fertile, or the most contiguous to his dwelling, was manured and ploughed by some starving cattle; and was never suffered to rest from a constant succession of annual crops. The remainder was abandoned to pasture and waste; or was ploughed up in separate portions, at distant intervals, till each part was successively exhausted. The culture of wheat was mostly confined to the counties south of the Tay, where four bolls, (or sixteen bushels) were the utmost produce of a Scottish acre; but the use of artificial grasses was unknown; and a judicious rotation of crops and fallows was never practised, to invigorate the soil or preserve its nutrition. The rents were payable in kind, unless on some occasions converted into money; but the tenant was not unfrequently supplied with his whole stock and seed by the landlord, to whom half the produce of the harvest was appropriated in return [61].

BOOK VI. 1657.

It is difficult to discover, and it would be curious rather than important to enumerate, the remaining arts in their infant state. Were we to believe a doubtful tradition, the Scots were unacquainted with the method of planting cabbages, and tanning leather, till instructed by Cromwell's soldiers in these simple arts. That they were in-

Manufactures.

[61] Donaldson's Husbandry Anatomized, 697. Miscellanea Aulica, 191. See Note XX.

BOOK VI. 1657.

debted to the English for skill and dexterity, is extremely probable; but that they could subsist without cabbage might surprise the most credulous; and the manufacture of leather was practised by each peasant as a domestic art[62]. Homespun woollen was a coarse manufacture, in which each family was occasionally employed. Linen of a coarse texture had become an article of such considerable commerce, as to constitute a staple commodity of the country. Soap and salt works had been long erected[63]; the former served perhaps for domestic consumption; the latter, besides a large exportation, supplied an extensive fishery, which was prosecuted successfully by the towns interspersed along the coast of Fife, till the fishermen were mostly destroyed at the battle of Kilsyth. An extensive fair was held at St. Andrews, to which the Scottish traders who frequented Poland returned yearly from Dantzick, where thirty thousand were supposed to reside. But the principal trade was maintained with Campvere, at which place the Scots, in return for peculiar immunities, had long established their staple in the Netherlands. Their exports still consisted of corn, wool, coal, lead, salt, fish, coarse woollen, yarn and linen, the raw produce, or the rude manufactures of their country; their imports were the finer manufactures, the hardware and the wines of the

Trade.

[62] Johnson's Journey to the Western Islands, Works, x. 344. State Business, MS.

[63] Parl. 1649. Act 49.

continent; and such was the consumption of French wines, that the quantity seized by Cromwell on taking possession of Leith almost exceeds belief. At the beginning of the civil wars, about eighty sail of shipping belonged to the Forth, and when Dundee was stormed by Monk, threescore vessels were found in the harbour. The trade of Scotland since the accession, had undoubtedly increased; but notwithstanding the influx of money, it suffered under the accession, from the oppressive taxes imposed upon the people[64]. BOOK VI. 1657. Shipping.

Literature, soon after its revival in Italy, had been introduced into Scotland; and while the people were yet ignorant of the arts of life, was pursued with the same ardor with which the reformation had been embraced. While the learned throughout Europe, enraptured with classical models of perfections, abandoned their native tongues in despair, the Scottish writers, it is justly observed, were excelled by none. The elegance of Boethius, the friend of Erasmus, and one of the earliest restorers of letters, was imitated in the succeeding age by Lesly bishop of Ross, and far surpassed by his rival Buchanan, whose vivid and flexible genius, adapted equally to poetry and to prose, and superior to the servile constraint of a dead language, united an invention truly poetical Literature.

[64] Whitlock, 438—84. Hardwick's State Papers, ii. 144. Gumble, 44. Baillie, ii. 419. Miscellanea Aulica, 191. where the exports are computed at 200,000*l.* in a State of Scotland obviously written about the era of the accession.

BOOK VI. 1567.

with the purest latinity of the Augustan age. The education or residence of the reformed clergy, in the protestant churches of France and Switzerland, exacted a degree of attention to the classical languages, which involved a disregard of their own; and the collection entitled the *Delicæ Poetarum Scotorum*, to which the elder Melville contributed, furnishes an honourable monument of national literature. The language of the ancients continued to be assiduously cultivated, till the middle of the last century; but the learned, like the military adventurers of Scotland, frequently sought abroad for those literary rewards, which the poverty or religion of their country intercepted at home. The two Barclays, Dempster, and Volusenus (or Wilson) taught or studied in the universities of France and Italy; and Arthur Johnston, whose version of the Psalms has obtained the next rank to that of Buchanan, subsisted, till recalled by Charles I. as a physician at Paris.

The Scottish language, descended from the same gothic original, had begun, before the accession, to approximate in writing towards the English standard. The compositions of James were rude and pedantic; but Spottiswood was solicitous in his ecclesiastical history, to refine the vernacular idioms of his stile. It is not easy to determine, whether a dead language, in which men had been initiated, and of which the purest models had been studied, from their earliest years, or a foreign dialect which the tongue was unable to pro-

nounce, and to the purity and precision of which the mind was unaccustomed, imposed the severest constraint upon original genius. Yet at a time when the rugged numbers of Donne and Johnson prevailed in poetry, Drummond of Hawthornden gave the first specimen of a rich and melodious versification, and discovered a vein of tender, unaffected sentiment which succeeding poets have not disdained to imitate. His taste was formed in the Italian school; and he preceded Denham and Waller in the refinement of our numbers; though his poetry, like theirs, is neither always equal, nor always correct. BOOK VI. 1637. Drummond.

Sir William Alexander, secretary of state, enjoyed a higher reputation than Drummond in his time. His monarchical tragedies are full of ostentatious morality, diffused through smooth, rhetorical stanzas, without a single spark of celestial fire. His poetry was amply rewarded. He was created earl of Stirling, with a grant of the province of Nova Scotia, to be parceled out amongst a hundred adventurers, with the title of baronets; but the sale of titles was a lucrative traffic, and the settlement of a distant colony was forgotten. Alexander.

The learned Craig is distinguished as the author of an early treatise on the feudal law. The records of his own country were not then explored; but his education at Paris enabled him to compare the different codes of the gothic kingdoms of Europe, and to compile a work upon this subject Craig.

BOOK VI. 1657.

which succeeding authors have often silently transcribed. If others have excelled him in general researches, and abstract speculation, few have united such practical utility with a profound and comprehensive view of the feudal system.

Napier of Merchiston.

But the man whose genius reflects the most distinguished lustre upon his age and nation, is Napier of Merchiston, the inventor of Logarithms. His scientifical genius was first applied to the mysteries of the Apocalypse, in order to gratify the protestants by a Plain Discovery of the Pope in Antichrist; but his calculations of the prophecies have been disproved by time, and his name has already outlived the period which his work assigned for the duration of the world. His fame is more durably fixed by the logarithmic canon; by the correspondence between arithmetical and geometrical progressions; a sublime invention of universal utility, the result of patient and intense meditation. He died in 1617, at the age of sixty-nine.

Polemicks.

From the beginning of the civil wars, a flood of barbarous polemicks overspread the nation. The articles of Perth, the canons, the liturgy, and the doctrines of Arminius, were succeeded by the covenants and the divine rights of the presbyterian church; and when these topics of debate were exhausted, the pious indignation of the clergy was levelled at the sectaries or against themselves. The universities were appropriated to the most fanatical instructors; and the lar-

guage and philosophy of the schools were imperfectly taught, as subservient to a species of controversial divinity which teemed with disputatious invectives against the errors of the times. The poverty of the church of Scotland is peculiarly unfavourable to the pursuit of letters: her universities make no provision for the independence and ease of a studious life. The wealthy benefices of the English church may afford a final retreat, and its well endowed universities, an intermediate sanctuary, for literary repose, where a taste for classical and polite learning is cultivated and preserved. But the Scottish clergy, who are removed from the university early in life, to a remote solitude, have neither access to the works of the learned, nor the means, if they retain the desire, of improving the acquisitions which they have already made. No one is illiterate; but the church has not yet been distinguished by a man of extensive or profound erudition. Their education imparts some smattering of science; their trials at ordination, require an equal proportion of Greek and Hebrew; and the same parity is observable in the learning and in the discipline of the church[66]. But the taste and science, the genius and learning of the age were absorbed in the gulph of religious controversy. At a time, when the learning of Selden, and the genius of Milton conspired to adorn England, the Scots were re-

BOOK VI. 1657.

[66] Burnet, i. 15.

BOOK VI. 1657.

duced to such writers as Baillie, Rutherford, Guthrie, and the two Gillespies; and in the voluminous compilations of Calderwood, the church gave no promise of the future elegance, discriminating penetration, and accurate research, which distinguish the historical labours of Robertson.

Manners.

III. A morose and sullen enthusiasm, of which it is difficult at present to form an adequate conception, distinguishes the character and manners of the times. Ever since the reformation, it had been the misfortune of the clergy to continue obnoxious and hostile to the court; and it was their policy, therefore, to cultivate those arts of popularity, and to cherish that original fervour of devotion, from which an established church, not discountenanced by the civil magistrate, never fails to recede. The opposite policy of James, to depress the church and to enliven its devotions, served only to perpetuate an austere and fanatical spirit, which might have subsided in time from indulgence or from neglect. As he professed to counteract the fanaticism of the people, by amusing spectacles, good cheer at Christmas, and popular games in May[67], these were industriously prohibited by the covenant. Theatrical representations were not then introduced; but the most innocent amusements, and the most profligate dissipation, were alike proscribed. Cards and dancing were interdicted as the snares of Satan, dangerous, or at least unsuitable to the

[67] King James's Works, 164.

people of God. The feasts and domestic pastimes appropriated to the winter solstice, the revels and public diversions of the people, even the Christmas recess of the courts of law, were suppressed as superstitious; the sports of the field were forbidden to the clergy; nor durst the most popular amongst them indulge in the most innocent recreations, without a dispensation from the presbytery, for the preservation of their health[68]. The people, astonished at their own success in extemporary prayer, were ambitious to acquire the habitual solemnity of the clergy; the clergy, to exceed the gloomy deportment of the people; and from their mutual emulation the mirth and gaiety of the nation disappeared. A pious grimace and cant, the result of an affected devotion, succeeded; and as the royalists were restrained by the ecclesiastical courts from the riotous excesses of their party in England, an universal severity of manners prevailed. BOOK VI. 1657.

This sour and illiberal severity of national manners, however curious or contemptible to a philosophical mind, was neither utterly pernicious, as some imagine, nor on the contrary, highly beneficial to public morals. Previous to the accession, the towns were infested with constant tumults, sanguinary conflicts, and frequent assassinations; and such were the barbarous manners of the ancient Scots, that concealed armour was worn at Morals.

[68] Calderwood's Hist. MS. v. 1022. Life of Mr. J. Sinclair, MS.

BOOK VI. 1657.

court[69]. Doubtless their subsequent intercourse with the English, and the travels of their nobility and adventurers through Europe, contributed to their refinement: but when the covenant was established, their deadly feuds disappeared from a sense of religion, or from the terrors which an extensive association inspired. Intemperance, an early reproach, was restrained; profane swearing, which diminishes our reverence for judicial oaths, was universally discontinued; and in consequence of the general severity of manners, even the characteristical ardor of the Scots was repressed. The perusal of the scriptures, and the habits of religious controversy and extemporary prayer, in which the people of each sex and of every condition were eminently gifted, diffused a portion of knowledge which is still preserved[70]; and it is observable, that the Scottish peasantry are less illiterate, and more inquisitive and acute, than in other nations. The vices peculiarly obnoxious to clerical censure, are those from which the clergy are themselves debarred. Where chastity has been substituted, instead of celibacy, as a chief ingredient in the ecclesiastical character, fornication has ever been exposed, in the reformed churches, to the most severe persecution. It was not punishable with death, as in England; but the penalties inflicted by the legislature, and the censures, and above all the pe-

[69] King James's Works, 183. [70] Burnet, i. 86.

nances of the ecclesiastical courts, must have taught circumspection at least to licentious youth. The offenders appeared on the pillar or stool of repentance, an elevated seat in the midst of the church, to profess their contrition to the congregation, and to endure the acrimonious rebukes of the pastor. The penance of the adulterer was prolonged for six months, and performed in sackcloth; but the terrours even of the slightest penance, have frequently impelled the unhappy mother to stifle the illegitimate offspring of her womb.

Vices of the age.

Fanaticism, however, though in these instances beneficial to morals, was productive of pride, hypocrisy, superstitious credulity, religious persecution, and other vices peculiar to the age. The regenerated, in proportion as they approached perfection, indulged in the utmost latitude of spiritual pride. Their ecstasies arose at times to inspiration and visions, in which they affected to hold the most familiar converse, and to expostulate in the most homely terms with the Deity; and they received as a divine response, or unerring precept, whatsoever text or example occurred in prayer[71]. As fear is invariably, in domestick education, the source of falsehood, their hypocrisy was contracted under early persecution, from the necessity of dissimulation, and improved from the habitual

[71] Livingston's Life, MS. Lord Hailes' Remarks on Scottish Hist. 254.

BOOK VI. 1657.

cant to which the mind resorts, when its devotion subsides. Pride and hypocrisy were cherished by the Calvinistic assurance, that the chosen are predestinated never to fall; but superstitious credulity is gratified by persecution, and its objects were discovered in the innocence and indigence of helpless age. The belief of witchcraft was universal in the last century, but the punishment was more peculiarly confined to Scotland. There the old and infirm, whose sole crime was their misery, were seized on the most malevolent and absurd suspicions, and if the importunities of the clergy failed, tortures, under which the unhappy sufferers frequently expired, were never wanting to extort the confession of their ideal guilt. Whatsoever persons they accused in the frenzy of despair, were implicated in the crime, searched by approved inquisitors to discover the secret tokens of sorcery, and condemned with their wretched accusers to the flames. Upon one occasion, thirty unhappy wretches were convicted of witchcraft, and burnt in Fife; on another, sixty of each sex were arraigned for the same crime, but acquitted by the good sense of the English judges, who perceived that the accusations were malicious and the evidence absurd[72]. But in every parish and congregation, the most unrelenting inquisition was maintained by the clergy against an imaginary

[72] Whitlock, 520—2. Baillie.

crime, and there are few villages in Scotland, where the flames of persecution have not been kindled against indigent old age. BOOK VI. 1637.

In the last century, the military and adventurous spirit of the Scots was esteemed, and their lettered education respected abroad. At home, their situation under the covenant was evidently not unhappy; as the severity of a feudal aristocracy was tempered by the necessity of conciliating their support, in opposition to the crown. The nobles, though they retained their jurisdiction, durst not irritate their vassals by unjust exactions; and their power was controlled by the ecclesiastical tribunals to which the people were admitted, and where they might retaliate their wrongs upon their oppressive lords. Their situation with respect to the comforts of life was improved by the usurpation; but the nobility were buried under the ruins of the throne. The decline and ruin of ancient families, were pathetically deplored; and our curiosity is still attracted to the fate of the principal characters in the preceding scenes. The dukes of Hamilton had successively perished, on the scaffold, and in the field; their estates were appropriated to their creditors, or conferred upon English officers; and a daughter was the last memorial of their name and family. The marquis of Argyle had retired to the highlands, oppressed with debts and the public hatred; distrusted by the English, and detested by the Scots for his compliance with the times.

Character abroad.

Situation at home.

Decline of the nobility.

BOOK VI. 1657.

Montrose and the marquis of Huntley had suffered execution; and their families were reduced to indigence, or threatened with extinction. Loudon the chancellor lived like an outlaw concealed in the highlands; and the earls of Marishal, Eglinton, Rothes, Crawford, and Lauderdale, were imprisoned in the Tower. Wariston alone, of the chief covenanters, obtained favour with Cromwell, and rose to a seat in his house of peers, and a place in the council of state in England. A contemporary, struck with those sudden vicissitudes, composed a whimsical treatise on the instability, or the Staggering State of Scottish Statesmen for an hundred years; in which, from the secret satirical history of their lives, he endeavoured to prove how rarely the preferment was acquired with honour, enjoyed with reputation, or lost without ruin[74].

Such was the situation of Scotland during the usurpation of Cromwell, with whose government the people had no connection, but that which subsists between the vanquished and their conquerors, and from whose arms they derived no lustre, but that which a master reflects upon his slave. The effect of his government was to repress their turbulence, and habituate their minds to subordination and order; but it served to extinguish at the same time the spirit of freedom, and to prepare the nation for the despotism of the Stuarts

[74] Baillie, ii. 376. 424—34. Scot of Scotstarvet's Staggering State of Scottish Statesmen, from 1550 to 1650.

which it was destined to endure. His government was at no time popular; the republicans never became numerous in Scotland, but the interests of Charles seemed to be buried in profound oblivion. His family would have been for ever excluded from the throne, if a popular government had been established in England, or if, from circumstances unconnected with our history, the government had not depended on a single man, whose life already approached its conclusion. BOOK VI. 1658.

While the arms of Cromwell were triumphant abroad, while his name was dreaded, and his friendship solicited by the greatest potentates, his government was distracted by the conspiracies of every party at home. His person was exposed to assassination from his own soldiers. His conscience was awakened by the death, or by the dying reproaches of his favourite daughter; and the tyrant at length discovered, that guilty ambition, even when most successful, is never inaccessible to apprehension and remorse. His mind was oppressed with the toils and the cares of state. The appearance of a stranger filled him with alarm, and he scrutinized his looks with a most penetrating and jealous eye. Arms and concealed armour, which he daily wore, appeared insufficient for his preservation; and he never stirred abroad unless surrounded with guards, never returned by the same road, nor ever slept above thrice in the same apartment. A slow fever, the result of constant agitation, preyed upon his body, Cromwell's death;

BOOK VI. 1658.

and degenerating into a tertian ague, undermined a constitution which was naturally robust. The physicians pronounced his disorder dangerous, and he began to consider his death as imminent; but his fanatical chaplains assured him that his life might yet be restored by their prayers. His original enthusiasm prevailed over his hypocrisy, which, in the tumults of the camp, and amidst the business of the cabinet, had been substituted in its stead; and he assured his physicians that his life was granted to the faithful, to intercede for the people as a mediator with God. In his last lethargic moments, his assent was extorted to the succession of his eldest son Richard as protector; and he expired at the age of sixty, on the third of September, a day which he considered as propitious from his victories of Worcester and Dunbar.

and character.

He was born of respectable parents, remotely allied on his mother's side to the Stuart family, and on his father's sprung from a sister of Cromwell, the minister and the victim of Henry VIII.[75] From a dissolute and licentious youth, he passed at once to the opposite extreme of enthusiastic devotion; and, when the wars commenced, ascended rapidly to the natural level of his genius and

[75] Sir Richard Williams, lord Cromwell's nephew, and Oliver's great grandfather, was the first of the family that assumed the surname of Cromwell. Oliver and his mother, his wife, and uncle, subscribed Williams alias Cromwell, in the sale of his paternal estate. Noble's Hist. of the Cromwells.

ambition. From a command of horse, he rose to the first rank in the army and in the state; from the obscure and humble mediocrity of a private station, to the absolute dominion and ultimate disposal of three kingdoms. To supplant a monarch, or to subvert the liberties of a free people, had been the lot of others; but by combining these crimes, he was the first who brought the monarch whom he had dethroned to a public execution, and reduced the people whom he served to the most complete subjection. A magnanimous and daring spirit, invincible courage, military talents, address, perseverance, and uniform success, were necessary to accomplish his elevation, and his crimes. But to these qualities he added the most extravagant enthusiasm, the most consummate hypocrisy, a profound sagacity in discerning the characters and designs of others, an impenetrable secrecy in disguising his own. From the dissipation of his early years he retained a specious frankness, which degenerated often into gross buffoonery, but without which hypocrisy itself is of little avail. His magnanimity was naturally imperious and overbearing; nor did he stoop to dissimulation and artifice where it was possible to command. His talents as a soldier, are rather conspicuous in the enthusiasm with which he inspired, and in the discipline to which he inured his troops, than in the evolutions of the field or in the conduct of a campaign. His victories were due to their discipline and fresis-

BOOK VI. 1658.

BOOK VI. 1658.

tible valour, and as he entered into the army late in life, his military character though surpassed by none of his countrymen, never equalled the reputation of Condé and Turenne. Although inferior to Vane in dexterity and address, he excelled in a vigorous and sound understanding. Neither wholly illiterate nor destitute of elocution, he united an apparent incoherence of thought and expression, with a clear and steady conception of his object; and a promptitude in the choice and execution of his design. His quick and intuitive discernment of the characters of men, was accompanied with the rare talent of employing their abilities in the manner most advantageous to himself or to the state. But the discriminative characters of his genius were enthusiasm, hypocrisy, and immoderate ambition; from the combination of which he was fitted to become the author of a new sect, had he not found a system already adapted to his purposes and fashioned to his hands.

His ambition however was guided by events, and, like his talents, they appeared to expand with every opportunity that occurred. At one period it was confined to a riband, a title, a competent fortune, and the command of the army; till the duplicity of Charles left him, as he said, only this alternative; "If it is my head or the king's that must fall, can I hesitate which to choose?" If Ireton, a genuine republican, had survived, or if the parliament had consented to a timely dis-

solution, his usurpation might have been prevented; but the dissolution of the long parliament had become not less essential to his preservation, than the destruction of the king. His domestic government was a reign of expedients, conducted with vigour, but without a plan. It was believed that his resources and his arts were exhausted with his life; but to surmount the original obstacles to his greatness, was far more difficult than to prolong its duration. In private his morals were irreproachable. Where his safety or his interest had no immediate concern, his government was just and lenient; and though humanity never obstructed the execution of his designs, even his enemies acknowledged that he was not unworthy of the crown which he rejected, had he been born to reign. He died with the character of the worst and the greatest man in modern times, which with some abatements is still preserved; and as he enjoyed more than regal power while alive, he was interred with more than regal pomp and expence.

Richard, protector.

His death was succeeded by an unexpected calm, and the government, which each party had alternately conspired to subvert, seemed for some months to be upheld by the terrours of his name. The most opposite parties and discordant sects were actuated by a common hatred to his person and authority, but at his death they were neither prepared to act nor disposed to unite. The new protector was acknowledged by the city, the army, and the navy; Ireland was secured by his brother

BOOK VI. 1658.

Henry, Scotland by the attachment of Monk to his family; and the free sentiments of the people of England were attested by their numerous addresses, and the disinterested tenders of their lives and fortunes. A young man educated in retirement, without abilities, experience, or inclination to govern, succeeded by a verbal nomination to three realms as his paternal inheritance, and enjoyed the elevation of his father without the hatred attached to his crimes. While he continued to govern without a parliament, his power was preserved; but the moment he resorted to that dangerous expedient, it was undermined by secret enemies, or assaulted by open force. The necessities of the state, and the debts or engagements of the late protector, required immediate supplies; and the parliament was carefully modelled after its ancient form, to secure the support of the diminutive boroughs which Cromwell had retrenched. Thirty members, and among these Argyle, were returned from Scotland; thirty from Ireland; and the *other house*, as it was contumeliously styled, was composed of Cromwell's peers. Notwithstanding these precautions, the spirit of the commonwealth began to revive. The mode of Richard's accession was severely investigated. An acknowledgment of his title, and of the other house, was extorted from the commons; but the opposition, out-numbered in these questions, proceeded to examine and impeach his ministers for every illegal measure of Cromwell's

government. Nor were these dissensions confined to parliament: they extended to his council, connections, and friends. Fleetwood his brother-in-law, and Desborough his uncle, had formed a secret cabal in the army, and maintained an intimate correspondence with the discontented republicans. To counteract, as they pretended, the violence of parliament, they persuaded Richard to assemble a council of officers, which his authority was never afterwards able to dissolve. A remonstrance was prepared to separate the military from the civil powers, with which the protector was invested, and to confer the former upon a person in whom the army might confide. The parliament and the protector were alarmed at the danger of military usurpation; but his humanity interposed to prevent the assassination of Lambert, and even his guards refused to assist in arresting Fleetwood. The army mustered at St. James's; and when the rude and boisterous Desborough compelled his nephew to dissolve the parliament, the protector was justly considered as deposed. Without a struggle or a stipulation for his personal safety, the meek usurper consented to descend from the guilty greatness to which his father had attained; and in the tranquil enjoyment of a private station, he exhibited a rare example of the security which innocence may sometimes afford [76].

BOOK VI. 1658.

Degraded by the army.

[76] Clarendon's Hist. vi. 652. State Papers, iii. 428, 9—34—6—71. Ludlow, ii. 165.

BOOK VI.

1659. Rump parliament.

The principal officers were desirous to retain the three kingdoms under military government; the republicans to revive the remains of the long parliament, which had been forcibly dispersed, but never legally dissolved. About seventy members were assembled who had voted for the trial, or approved the execution, of the late king. A council of state was chosen, in which Wariston presided; and Fleetwood was appointed to the command of the army during the pleasure of the house; but the officers were disgusted at a new model, by which the rump (as it was ludicrously termed) of the long parliament, endeavoured to recover possession of the sword. Its authority however might have been preserved if the excluded members had been restored to their seats, and admitted equally to a share of power. The presbyterians, rather than submit to the dominion of the independents, had acquiesced in the usurpation of Cromwell; but when their enemies were restored to the power from which they were still excluded, the two parties into which the nation was divided, were united by a common object and by their mutual despair. When the reign of the military saints was renewed, a tacit compromise was established between the presbyterians and the royalists, whose animosities were buried in a secret combination made to restore their ancient constitution and king. The day was appointed for a general insurrection. The king had arrived at St. Maloes to attend its success; but the conspi

ing was naturally cool, and uninfected with enthusiasm; his disposition was reserved and sullen, addicted rather to avarice than to ambition, and from habitual taciturnity, his dissimulation equalled that of the most consummate hypocrite[80]. Upon Richard's abdication, his situation became every way precarious and difficult. His original attachment to monarchy had long excited the expectations of the royalists, and the distrust of parliament; his present authority incurred the jealousy of Lambert, his former rival; and which party soever prevailed, he might expect to be displaced. His brother, a clergyman, was employed to communicate the offers of Charles; and if we may believe the apologetical memoirs of his chaplains, he was persuaded to co-operate with Booth, and had prepared a declaration for a free parliament, when intelligence arrived that the insurrection was suppressed. His brother was dismissed with assurances, to encourage the long parliament in its opposition[81] to Lambert; but when it was forcibly dissolved, there was no safety in remaining neutral, and no room to deliberate in his choice. He declared for parliament without hesitation, cashiered the officers whose attachment he suspected, re-

BOOK VI. 1659.

and situation.

Declares for parliament.

[80] Clarendon's State Papers, iii. 679—83. Hist. vi. 701. Burnet. P. Orleans.

[81] Price. Skinner. Gumble. Clarendon's narrative, which states that his brother was dismissed without explanation, because he communicated his object to Monk's chaplain, is evidently erroneous.

BOOK VI. 1659.

placed such as the new model had lately superseded, and collecting his scattered forces prepared the army to march into England. The expedition was encouraged by the presbyterians, the royalists, and the independents themselves, whose diminutive parliament the army had dissolved. But he protested, with solemn imprecations, that the ultimate and sole motive of his heart was to re-establish the authority of the parliament and the freedom of the commonwealth, which he had sworn to defend. His forces were hastily assembled at Coldstream, on Lambert's approach to Newcastle; and he represented to a convention which he summoned, of the Scottish estates, that he had received a call from heaven and earth to march into England, and adjust the government; recommended the tranquillity of the country to their care, and required the advance of six months' maintenance for the subsistence of his troops. His supposed designs were received with implicit credit. His public professions were ascribed to the necessities of his situation; and the supplies were accompanied with the offer of an army of twenty thousand men. This he declined as dangerous or offensive to England; but he declared his intention of retiring to Stirling if overpowered by Lambert, and of arming the whole nation in his defence [82]. His treasury and troops were entire: Of twelve thousand veterans however, a part was necessary to preserve the subjection of Scotland, and seven

[82] Clar. ii. 702. Gumble, 148. Baillie, ii. 437, 8.

thousand were the utmost that could be spared. As if inclined to an accommodation, his commissioners were sent to the committee of safety, but when a treaty was concluded, he disavowed their authority, and renewed his negociations with the unwary Lambert, whose army was reduced to free quarters and ready to disperse.

Parliament restored.

While Monk remained on the borders, Hazlerig and Morley were admitted into Portsmouth, and Lawson entered the river with his fleet, and declared for parliament. The regiments, stationed at Westminster, revolted at the instigation of their former commanders; and as the city was filled with conspiracies and tumults, the committee of safety was reduced to despair. Their troops were without pay, for the current taxes had nearly expired. The counties refused to contribute, and began to remonstrate against the government of the sword. In this extremity, it was dangerous to assemble the discontented troops; and Fleetwood, whose imbecility was now conspicuous, prostrate on the ground, and abandoned to unavailing prayer, was incapable of a single vigorous attempt for their preservation. Upon the approach of Hazlerig and Morley, the remains of the long parliament were invited to resume the government, and were restored to their seats. Orders were issued for Lambert's forces to disperse into quarters; and as Fairfax occupied York in his rear, that unfortunate general, who had neglected during a deceitful treaty to march into

BOOK VI. 1660. Jan. 1.

Scotland, was abandoned by his army, which without pay it was impossible to retain. Without expecting instructions, Monk continued his march to the capital, amidst acclamations and addresses for a free parliament, under which the presbyterians dissembled their ardent desire of restoring the king. The returning loyalty of the nation was too obvious to be mistaken; but he still preserved an impenetrable disguise, declined the invitation of Fairfax to declare for Charles, and entered the capital while each party remained in silent expectation and suspense.

Monk's ambiguous conduct.

The first service imposed by parliament, was to reduce the refractory city to subjection. Whether, as his friends assert, he solicited the ungracious task in order to excite an implacable animosity to government, or recollected afterwards how odious the parliament had already become[83], his dissimulation was prolonged when the city was firmly attached to his interest, and the excluded members were restored to their seats. His ambiguous conduct was directed by events, and it may be justly questioned whether he meant from the beginning to recall the king, or in imitation of Cromwell to assume the supreme authority; to which he was invited by the independents, and by the assurance of support from cardinal Mazarine, but from which he was deterred, according to Locke, by the indirect accusation of Ashley Cooper in the council of state; when he was compelled to trans-

[83] Price, 71—9. 98. Clar. vi. 715.

fer the command of the army to securer hands [84]. His declaration for a free parliament is considered as the first certain indication of his designs. But he declined all intercourse or correspondence with Charles, as if still irresolute, till the returns of royalists and presbyterians at the general elections, upon a final dissolution of the long parliament, had already secured the restoration of the exiled prince. The fleet was already prepared by Montague to declare for Charles; lord Broghill and Coote had invited him to Ireland; the council of state and the leading presbyterians had separately tendered their services, and concurred in his support; when Grenville was at length admitted to a secret interview with Monk his kinsman, and dispatched with a verbal assurance of his attachment to the king. He recommended a declaration of unconditional amnesty, and free toleration; but these proposals, so little accommodated to the views of the court, were evaded by referring to the approaching parliament the exceptions to be made from a general pardon, and the indulgence to be granted to religious sects [85]. The Scottish clergy, never inattentive to the interests of their church, had commissioned Sharp, a man

BOOK VI. 1660.

[84] See Note XXI.

[85] Clar. vi. 737. Clarendon's subterfuge, in referring to parliament whatever the king or himself was unwilling to grant, but unable to refuse, was certainly not unexceptionably sincere.

BOOK VI. 1660.

of keen and bustling activity but of moderate learning, to negociate for the introduction of the king on the terms of the covenant; but their confidence was placed in a faithless emissary, and the nation was transferred to Charles by its rigid conqueror, without any conditions or assurance of forgiveness.

Restoration.

The dissimulation of Monk was preserved to the last. Grenville, upon his return, was introduced after a private interview as a stranger to his kinsman in the council of state; and on producing the king's letters, was committed at first to the custody of the guards. When the new parliament assembled, the peers resumed their functions and hereditary seats. The enthusiasm of the nation had entirely subsided; and the republicans, whose zeal was no longer supported by success, were abandoned to despair. The presbyterians and the royalists, of whom the parliament consisted, concurred in the same design to restore the king; but from the silence and ambiguous conduct of the general, they durst not venture even to suggest his name. When their disposition however was no longer doubtful, Grenville, the royal messenger, was introduced amidst the loudest acclamations of the two houses, with letters and a conciliatory declaration, which, to satisfy the impatience of the nation, was immediately published. The constitution was re-established in the three branches of the legislature by an unanimous vote. A motion to consider upon what

conditions they should receive the king, was artfully over-ruled by Monk, who affirmed, that he could be no longer responsible for the obedience of the army, or for the public tranquillity, if a delay intervened. Without any previous limitations therefore on his power, Charles was solemnly proclaimed in the presence of the lords and commons, with the most sincere demonstrations of national joy. His departure from Breda was accelerated by daily addresses from his subjects; and foreign nations, admonished by their sudden return to loyalty, were eager to congratulate a prince whom they had hitherto treated with rudeness or with neglect. From the Hague he was invited by a committee of each house, to resume the quiet possession of his kingdom; and, embarking in Montague's fleet, he was received at Dover by Monk, whom he embraced and decorated with the ensigns of the garter. His entrance into the capital was delayed till his birth-day; and after twenty years of domestic wars, he was restored without bloodshed, amidst the joyful acclamations of his subjects, to his paternal throne.

NOTES AND ILLUSTRATIONS.

NOTE I. p. 30.

THIS singular fact might be illustrated from the statutes themselves, of which some are enacted at the king's request; James I. ch. 125. James II. ch. 62. Black Acts; others by the three estates, without his concurrence; and these are either limitations upon his prerogative, or injunctions for his conduct. See Parl. James I. ch. 133. James II. ch. 2. 64—7—8—9, 70—1—9. 90. James III. ch. 80. Black Acts, ch. 100. James IV. ch. 6. Instances might be multiplied in abundance to shew that some of the statutes were enacted by the king and estates, others by the estates themselves.

The fact, were the statutes obscure or doubtful, is acknowledged by James, in his speech to the commons at Whitehall. He observes; "it has likewise been objected that, in the parliament of Scotland, the king has not a negative voice, but must pass the laws agreed on by the lords and commons. I can assure you that the form of parliament there is nothing inclined to popularity. About twenty days before parliament, proclamation is made to deliver to the king's clerk-register all bills to be exhibited that session. Then are they brought to the king, to be perused and considered of by him; and only such as I allow of are put into the chancellor's hands, to be proposed to parliament. Besides, when they have *passed them for laws*, they are presented to me, and I, with my sceptre put into my hand by the chancellor, *must say* I ratify and approve all things done in this present parliament; and if there be any thing I dis-

like, *they rase it out before.* If this," he concludes, "may be called a negative voice, then I have one, I am sure, in that parliament."

NOTE II. p. 54.

No historical question has ever perplexed me more, than the Gowrie conspiracy. From the different copies of the same letter from Logan to Gowrie, as inserted in Sprot's trial, and in Logan's attainder, I did not hesitate, in the first edition of this history, to pronounce the whole correspondence a forgery. The difference appeared to be still greater, upon examining the original records of justiciary and of parliament, in which Sprot's trial and the attainder of Logan are respectively engrossed. At the same time however, the absolute identity of the letters with Logan's hand writing, is attested by such strong and unexceptionable evidence, that any explanation sufficient to reconcile the apparent contradiction between the different copies of the same letter, should be preferred to the ultimate supposition of forgery. The explanation which I have now discovered, has at last convinced me that the letters are genuine, and that Logan was accessary to the Gowrie conspiracy. Sprot, in his confession (which is preserved by Abbot, but not inserted in the records of justiciary), recites from memory the substance of Gowrie's letter to Logan, which he had seen with Bour, before it was returned to the earl with Logan's answer. Abbot, 40. This answer also, which he had stolen from Bour, by whom it had been sent back to Logan, he proceeds, in the same manner, to recite from memory (id. 41.); and preserves the most striking expressions and circumstances, but with many unavoidable alterations, omissions, and additions of his own. The letter itself was preserved, as he said, among his other papers in a chest at Eyemouth; and the regular mode of procedure undoubtedly was, to have searched for the original, and to have produced it at

his trial. But the privy council, having obtained his confession on the tenth and eleventh of August, to prevent his retracting it, brought him to trial upon the twelfth; and he was executed on the same day that he was condemned. The letter recited in his confession, was inserted in his indictment instead of the original (id. 49); and from this circumstance, Spottiswood, who sat upon his trial as one of the assessors to the justice general, was doubtful whether he should mention the arraignment and execution of Sprot, in his history; "his confession, though voluntary and constant, carrying small probability. It seemed a very fiction, and to be a mere invention of the man's own brain: for neither did he show the letter, nor could any wise man think that Gowrie, who went about that treason so secretly, would have communicated the matter with such a man as this Restalrig was known to be." Hist. 509. But the letter itself was discovered afterwards among Sprot's papers; together with four others from Logan to some unknown correspondent, on the subject of the conspiracy, (Cromarty, 92); and this explanation of the fact removes the seeming contradiction between the different copies of the same letter, as inserted in Sprot's indictment, and in the attainder of Logan. I have therefore abandoned my former opinion that the letters were a forgery, with as little hesitation as I advanced it at first. As Gowrie himself, if the letters are genuine, was the principal conspirator, I have also omitted the Dissertation of my friend Mr. Pinkerton, whom my former opinion had tended to mislead. The conspiracy must remain as obscure as ever; and the only conclusion to be drawn from the letters is, that Gowrie's design was to convey the king in a boat to Fastcastle, and by the possession of his person, to acquire the absolute direction of the state. Logan had devised a plan for bringing the earl and his associates to Fastcastle; "they making fashion of passing time in a boat on the sea in fair summer tide." He had

engaged on the 29th of July, to keep his house quiet for their reception till the plot should be laid; and was to be rewarded with the lordship of Dirleton, which Gowrie inherited from his grandmother, and to which Logan perhaps had some claims from his wife. The execution of the plot was attempted on the 5th of August; and the only reason for engaging such a man as Logan in the conspiracy, must have been to secure his house of Fastcastle for the reception of the confederates, on their retreat by sea. From their education at Padua, it is highly probable that the two brothers had imbibed the refined policy and revenge of the Italians; and having many paternal resentments to gratify, they might expect to accomplish their designs by address and stratagem. Any attempt against the king's life would have reduced their vengeance to a single blow, and have deprived Logan of his expected reward. The possession of the king's person could alone protect them from their numerous enemies, or enable them to gratify either their ambition or their revenge; and Gowrie's conspiracy, had it succeeded, would have proved in all probability an exact counterpart to the Raid of Ruthven, in which his father had been engaged.

NOTE III. p. 145.

"I ASSURE you I have not been idle, so that I hope by the next week I shall send you some good assurance of the advancing of our preparations. This I say not to make you precipitate any thing, but to shew I mean to *stick to my grounds*, and that I expect not any thing can reduce that people to their obedience but only *force*." Burnet's Mem. p. 55—62. The negociation therefore was deceitful, to gain time till a force was ready; as more clearly expressed in the same letter from Charles to Hamilton. "As for dividing the declaration," (omitting the opprobrious requisition of the covenant, id. 44.) "I find it most fit, to which

I shall add, that I am content to forbear the latter part thereof until *you hear my fleet has set sail for Scotland.* In the mean time your care must be how to dissolve the multitude, and to possess yourself of my castles of Edinburgh and Stirling. And to this end I give you leave to *flatter them with what hopes you please,* so you engage me not *beyond my grounds*; your chief end being now to *win time* that they may not commit public follies till I be ready to suppress them, and since it is, as you well observe, my own people, which by this means will be for a time ruined, so that the loss will be inevitably mine; and this if I could eschew, were it not with a greater, were well. But when I consider that *not only* now my crown, but my *reputation for ever* lies at stake, I must rather suffer the first," (the ruin of his people) "that time will help, than this last," (the loss of reputation,) "which is irreparable."

Assuredly his crown was not then endangered; and although his ideal dignity might suffer from the loss of an usurped prerogative, no real reputation would have been lost with posterity, by a formal and sincere abrogation of the liturgy, canons and high commission; by a suspension of the five articles, a prohibition of the illegal oaths administered to entrants, or even by the concession of an assembly and parliament. The grounds to which he was resolved to adhere, and beyond which, whatever his commissioner might promise or insinuate, he was not to be engaged, were the denial of *these impertinent and dammable demands.* "This I have written to no other end than to shew you, I will rather die than yield to those impertinent and dammable demands; for it is all one as to yield to be no king in a very short time." That is, his supremacy must suffer if the high commission, which he proposed merely to regulate, and the liturgy and canons, which he still meant, in the ambiguous style of his declaration, to introduce "in a fair and legal way," were abolished.

NOTE IV. p. 147.

The sincerity of these concessions may be suspected from the concluding article of Hamilton's instructions, on his second journey. "Notwithstanding all these instructions, you are by no means to permit a present rupture to happen, but to yield any thing, though unreasonable, rather than now to break." The original draught of the concessions revised by himself, still indicates that the liturgy, canons, and high commission, though revoked, were not therefore abrogated, but might be resumed at a propitious season *in a legal way*. Burnet's Mem. 95. They were neither to be abrogated, nor examined by the assembly. This conjoined with his instructions to dissolve the assembly upon nullities, evinces that nothing more than a temporary revocation was intended. A subsequent letter, suggesting a verbal correction of his declaration to the assembly, reveals his intention. "That I should not be thought to desire the abolition of that in Scotland, which I approve and maintain in England (the articles of Perth), the word *content* expresses enough my consent to have them *surcease for the present*, but the word *pleased*, methinks imports as much as if I desired the assembly to take them away, or at least were well pleased that they should do so." Here the object proposed is very different from the reason assigned; he is content that the articles should surcease for the present, but not that they should be abolished by the assembly. Id. 93.

NOTE V. p. 167.

They are stated as the preliminaries of the treaty, by May, Salmonet, Guthrie, and more particularly by Burnet, without perceiving that these are the same conditions which were disavowed by the English commissioners, "as for the most part false and slanderous, and no way agreeable to

what his majesty expressed." Clarendon observes of the treaty, "that the most material matters passed in discourse and very little was committed to writing; nor did any two who were present agree in the same relation of what was said and done, nor, what was worse, in the same interpretation of what was comprehended in writing." And of the papers published by the Scots, he observes, "that although every body disavowed the contents, yet nobody would take upon him to publish a copy that they avowed to be true." i. 123, 4. The conditions were suppressed, as May observes, in the act of state or council ordaining them to be burned.

"The Scots objected, that the preface and conclusion of his majesty's declaration were harsh, importing as if they struck at monarchy and his majesty's royal authority."

"To which the king answered, that he had no such opinion of them; but required that the paper should not be altered, for the sake of his honor among foreign nations; and urged that they would not stand with their king upon words, if so be they obtained."

"They objected, that the declaration containing an impeachment of the assembly of Glasgow as *pretended*, their accepting it as a satisfaction of their desires might be construed a departing from the decrees of assembly."

"The king answered, that as he did not acknowledge the assembly farther than that it had registered his declaration, so he would not desire his subjects of Scotland to pass from the said assembly, or the decrees thereof."

"It was with all humility urged, that if his majesty would comply with that chief desire of the subjects, the quitting with and giving up episcopacy, his majesty might depend on as cordial subjection from them as ever prince received."

"His majesty answered, that having appointed a free general assembly, which might judge of all ecclesiastical

matters, and a parliament wherein the constitutions of assembly might be ratified, he would not prelimit nor forestall his voice."

There are five other objections, immaterial, or, what confirms their authenticity, productive of an actual alteration in the king's declaration. Stevenson's Hist. ii. 742. Sanderson, 267.

NOTE VI. p. 200.

WERE we to believe the royalists, lord Balmerino and Gibson of Dury tampered with Stewart to retract the charge; and when persuaded to do so by an assurance of life and preferment, he was tried and executed at the instance of Argyle. (Guthrie's Memoirs, 94.) Such odious and complicated treachery, which has been too hastily credited, is disproved by the original depositions before the committee of estates; which, fortunately for the memory of Argyle, are still extant. On the discovery of the bond, it appears that Montrose, in a conference with one Murray, minister at Methven, endeavoured to persuade him that it was framed in strict conformity to the covenant, and in opposition to those who meant to create a dictator and depose the king. When examined by the committee of estates on this strange report, Murray appealed to Montrose, who produced Stewart as his author. Stewart's original declaration was, "that when the earl of Athol and eight gentlemen (of whom Stewart was one) were prisoners in Argyle's tent at the ford of Lion, Argyle spoke publicly to this effect; that the estates had consulted both lawyers and divines anent (concerning) the deposing of the king, and gotten resolution that it might be done in three cases; 1. desertion; 2. invasion; 3. vendition or proditien of the kingdom; *and that they thought to have done it at the last session of parliament, and meant to do it at the next sitting thereof.*" Five of the earl of Argyle's attendants swore

that no such words were uttered in the tent. Stewart declared, on retracting the accusation, "that the earl of Argyle having spoken of kings in general, and the cases wherein it is thought that kings might be deposed, the deponent did take the words as spoken of our king; and out of the malicious design of revenge, the deponent confesses he added these words, that the first thing the parliament would have begun upon was to depose the king; and siclike added these words, and however they had continued (deferred) it, he feared it was the first thing they would fall upon at the next session, or the first thing that will be begun in the next session." That this confession was strictly true, appears from Sir Thomas Stewart's original declaration. When Stewart's information was transmitted to court, Traquair offered a pension to him or to Sir Thomas Stewart if either would certify Argyle's words in writing. Sir Thomas accordingly certified, "that Argyle in his tent at the ford of Lion declared, that it was agitated at the parliament, whether or not a parliament could be solemn without the king or his commissioner; and last it was determined by the best divines and lawyers in the kingdom, that ane parliament might be solemn without either the king or his commissioner; and that a king might be deposed, being found guilty of, 1. venditio, 2. desertio, 3. invasio." This declaration, which was intercepted on Montrose's messenger, and attested by Sir Thomas Stewart before the committee of estates, is a sufficient proof that Stewart was not suborned by promises to retract the truth. Wodrow's MSS. v. 65. Folio, N. 16. 25. 30. Advocate's Library.

NOTE VII. p. 213.

"Every attempt," says Hume, "which had been made to gain the popular leaders, and by offices to attach them to the crown had failed of success.—The ambitious and

enterprising patriots disdained to accept in detail, of a precarious power, while they deemed it so easy, by one bold and vigorous assault, to possess themselves forever of the entire sovereignty." Hist. v. p. 444. The slightest assertions of this judicious historian are entitled to respect: but I can discover no authority whatsoever for the sedulous endeavours of Charles to gain the leaders, or for their contemptuous disregard of every offer which he made. On the contrary, Clarendon ascribes the failure expressly to the king. The negociation with the earl of Bedford was a wise measure, recommended and urged by Hamilton. Bedford had secretly undertaken the preservation of Strafford, to which Pym his friend would have probably acceded; and both had engaged to establish the revenue. Clarend. i. 211. 254. "But there were few," says Clarendon, "who thought their preferment would do them much good, if Strafford was suffered to live; and so the continued and renewed violence in the prosecution, made the king well contented that the putting these promotions in practice should be for a time suspended." p. 212. Afterwards he explains the king's aversion to a change. "But the rule that the king gave himself, that they (Hambden, Pym, and Hollis) should first do service, and compass this or that thing for him, before they should receive favour, was very unreasonable at that time; and so he grew so far disobliged and provoked, that he could not in honour gratify them; and they so obnoxious and guilty, that they could not think themselves secure in his favour." p. 323. Charles, therefore, was determined not to admit them to office, unless previously devoted to his service; and we may conclude from the narrative of his apologetical historian, that Hamilton's negociations were interrupted by the preservation of Strafford being required as a service to be performed previous to their promotion.

NOTE VIII. p. 217.

THE original depositions were probably suppressed in consequence of the accommodation between the king and parliament; and are not now to be found. But the following notes, or contents of the depositions, are preserved by Balfour in his Journal of Parliament.

October 28, *Rege Presente.*

The great committee for the late incident does make their report, and the depositions taken by them are publicly read in the house.

Captain William Stewart's depositions of the 12th of October, (taken) by the three estates, anent the discovery to him of the plot by lieutenant colonel Alexander Stewart, which plot was to be put in execution the 11th of October.

The said captain William's second deposition taken by the committee, little or nothing differing from that taken by the three estates, read lieutenant colonel Alexander Stewart's depositions taken by the committee 22d October, containing a discourse contrary in purpose to that which captain William Stewart deponed he related to him, anent the apprehending the marquis and Argyle, and sending them to the king's ship, or else stabbing them: but concerning my lord Ochiltree's imprisonment and liberation; and how the said lord had spoken truth of the marquis; which was, that he was a traitor in effect: this deposition was all contradictory to captain William Stewart's.

The two Stewarts' contradictions, taken under their great oaths paralleled, read.

Lieutenant colonel Home's deposition before the three estates 12th October, and his re-examinations before the committee 23d October, affirming all his former depos-

tions to be truth, wherein there was much of the plot discovered.

Matthew Hamilton's deposition being read, contradicting his master lieutenant colonel Alexander Stewart.

Lieutenant colonel Ludovick Lesslie's depositions read, anent lieutenant colonel Alexander Stewart's going with him to Sweden, which was altogether false.

Lieutenant colonel Richardson's deposition before the committee 23d October, anent his privy conference with the earl of Crawford, read.

Colonel Lawrence Blair, his depositions before the committee, anent his discourses with the earl of Crawford, full of fooleries, read.

Earl of Crawford's depositions before the committee, anent a discourse at dinner in the earl of Airley's house, concerning a letter written by the earl of Montrose to the king, *wherein he undertakes to prove the marquis Hamilton a traitor*, read.

Lieutenant colonel Hume's second deposition before the committee 23d October, anent a discourse betwixt colonel Cochran and him, of William Murray's taking him to the king's bedchamber, read.

Captain Robert Kennedy, his deposition before the committee anent his discourse with colonel Cochran, read.

Colonel Cochran's deposition under his own hand, containing a conference betwixt William Murray and him, *anent the arresting of Hamilton and Argyle*, read.

Item the committee's interrogatories at Cochran of his own depositions, wherein he contradicts Hume, read.

William Murray, one of the grooms of his majesty's bedchamber, his depositions taken by the committee 25th October, anent a discourse betwixt the earl of Montrose and him, which he confesses he declared to his majesty; and of his delivering of *three letters* from the earl of Montrose to the king, and of his majesty's answer to them.

Item the said William confesses his taking of colonel Cochran to the king's bed-chamber: but does not know what the colonel said to the king.

Item he denies many points of Cochran's depositions against him, anent diverse discourses betwixt them.

Item he denies he knows any thing of *drawing Hamilton and Argyle to a conference in the king's drawing chamber*, read.

Lord Almond's depositions before the committee 25th October, wherein he confesses that William Murray, Crawford, lord Ogilvy, and Cray, &c. was such a night at his house, read.

The earl of Crawford's re-examination by the committee 27th October instant, read; wherein he declares his former depositions to be all true, but only some which he retracts; and in these (depositions) he confesses that in the lord Almond's house *there was speaking amongst them of arresting Hamilton and Argyle.*

Colonel Cochran's re-examination on his great oath before the committee 27th October instant, wherein he declares all his former depositions to be true, but only these two discourses betwixt William Murray, the earl of Crawford, and him; and the precise time of his own discourse with the lord Ogilvy.

The committee's interrogatories to Cochran, of his own depositions full of contradictions, read.

William Murray's re-examinations by the committee 27th October, upon his great oath, read; wherein he denies these things *that Crawford and Cochran lays to his charge.*

Crawford and Cochran's confrontations with William Murray before the committee 27th October inst. read; wherein William Murray does altogether deny that ever he desired Cochran to go to the king's bed-chamber.

Lieutenant colonel Hume's re-examination upon his

great oath, wherein he avows all his former depositions, and adds anew against the earl of Crawford, read.

The house ordains each estate to have a copy of these depositions, to the effect they may take the same into their consideration, and to meet apart this day in the afternoon.

3d November.

The committee for the incident make their report, that according to the order of the house they had called before them the earl of Montrose, and interrogated him what he meant by these words of his letter: "that he would particularly acquaint his majesty with a business which not only did concern his honour in a high degree, but the standing and footing of his crown likewise;" he said, what his meaning was he had already declared to his majesty, and the committee from the parliament on Saturday last, at Holyrood-house; he further declared, that thereby he neither did intend, neither could nor would he wrong any particular person whatsoever.

This being read, under Montrose's hand, to the house, it did not give them satisfaction.

Such is the additional evidence which I have discovered respecting this obscure transaction. 1. It appears that captain William Stewart invariably adhered to the information which he had received from colonel Stewart, and disclosed to Hurry, of a plot to arrest Argyle and Hamilton, and convey them on board a ship, or else to assassinate them. This was denied by colonel Stewart, whose evidence in other particulars appears to have been false and contradictory. But it is confirmed in the most material circumstances by the actors themselves. Crawford and Cochrane separately acknowledge that there was a plot, design, or proposal, in agitation, to arrest these noblemen; and their evidence, as it was given with reluctance, instead of being confuted, is confirmed by their contradictions. Their

from whence his information was derived. It was from the same information of Montrose that Hamilton was afterwards arrested at Oxford, and imprisoned two years and an half without a trial, in a manner sufficiently to illustrate the object of the incident.

Collectively these authorities prove that the incident was not altogether a fictitious plot, and that the proposed arrest of Argyle and Hamilton, and the impeachment of the six members, were derived from the same information of Montrose.

NOTE IX. p. 218.

"THAT his majesty be humbly petitioned by both houses, and graciously pleased to employ such counsellors, ambassadors, and other ministers in managing his business at home and abroad, as the parliament may confide in; without which we cannot give his majesty such supplies for the support of his own estate, nor such assistance to the protestant party beyond sea, as is desired. It may often fall out that the commons may have just cause to take exception at some men for being counsellors, and yet not charge these men with crimes, for there be grounds of diffidence which lie not in proof, &c." Rushw. v. 438.

Such is the purport of almost every remonstrance or address from the commons. But that were to put the king, it is said, into the hands of his enemies. True; but it was the most effectual way to reconcile them; nor can it be doubted or disputed for a moment, that if he had submitted implicitly to a change of ministers, and resigned himself without reserve to the popular leaders, his prerogatives would have been preserved, and his revenues restored, or perhaps augmented. But the king had not yet ceased to be his own minister, when the first systematic opposition was formed against the crown. He wanted ministers devoted to himself; and preferred Falkland, Colepepper, and

Hyde, to the displeasure, as the latter confesses, of the prevailing party, "who could not dissemble their indignation, that any member should presume to receive preferment which they had designed otherwise to have disposed of." Clarendon, i. 341. The very sentiments of an independent house of commons, determined, instead of receiving a master, to impose a popular administration on the crown.

NOTE X. p. 229.

This concert is acknowledged by Clarendon, in his private memoirs; nor can its object be disputed. Clar. Life, vol. i. 111, 112. 156. Neal, the puritan historian, relates, that a few days after the king's removal from Whitehall, it was resolved, in a cabinet council at Windsor, that the queen, who was about to depart with her daughter for Holland, should carry the crown jewels thither, to pledge for money, ammunition, and arms; and to procure by the intervention of the pope's nuncio, 4000 soldiers from France and Spain; that until the success of her negociations were determined, the king should avoid an agreement with parliament, and endeavour to secure possession of Portsmouth and Hull, ii. 11. 543. Though I cannot discover his authority, Neal is a writer of veracity, and in this relation coincides with the inadvertent discoveries of Clarendon. The accusation of the members was on the 3d of January; the king retired on the 10th from Whitehall, and on the 12th of January from Hampton court to Windsor, where he remained till the queen's departure on the 9th of February. Rushw. v. 482. On the 23d of January he writes to Montrose in a letter referring for particulars to the messenger, "I am confident that the generosity which made you hazard so much as you have done for my service will at *this time* induce you to *testify your affection* for me as there shall be occasion." To testify his affection, was to take up arms when the occasion arrived, the only

testimony which Montrose could give. Wishart's Hist. of Montrose. So early had the king determined to have recourse to arms.

NOTE XI. p. 321.

Dr. Birch, in his Inquiry into the share of Charles in the transactions of Glamorgan, has produced two letters, the first of which Hume has endeavoured in vain to obviate. "I neither have time," says Charles in his letter to Glamorgan, "nor do you desire that I should repeat unnecessarily those things I have so often said to you." After an assurance of his constant friendship for Glamorgan, the more necessary amidst this universal defection, he proceeds: "However that be, I am persuaded that you cannot doubt but that I will *perform all the instructions and promises made to you and the nuncio*," April 5, 1646. This assurance, says Hume, relates to a new negociation and provisional treaty between Glamorgan and the Irish, after the old one had been disavowed by the king, and considered as annulled. The supposition of a new treaty can never account for the unremitted affection and confidence which the king continued to repose in Glamorgan, if the latter had so grossly abused that confidence, and exceeded the limits of his first commission. But the fact is, that the new treaty was merely a continuance of the old. No new instructions had been given to Glamorgan, nor any new promises made to the nuncio. The assurance refers to "those things which the king had so often said to Glamorgan, and thinks it therefore unnecessary to repeat;" that is, to his original instructions and promises, to which, though disavowed ostensibly by the most solemn protestations, he still adhered. Hume's Hist. vii. note B.

The second letter from Charles to Glamorgan, Hume has not attempted to obviate or evade. I have always *loved your person and conversation*, which I ardently wish for

at present more than ever, if it could be had without prejudice to you, whose safety is as dear to me as my own. If you can raise a large sum of money by pawning my kingdoms for that purpose, I am content you should do it: and if I recover them I will repay that money. And tell the nuncio, that if once I can come into *his and your hands*, which ought to be extremely wished for by you both, as well for the sake of England as Ireland, since all the rest, as I see despise me, I will do it. And if I do not say this from my heart, or *if in any future time I fail you in this*, may God never restore me to my kingdoms in this world, nor give me eternal happiness in the next, to which I hope this tribulation will conduct me at last, after I have satisfied all obligations to my friends, to none of whom I am so much obliged as to yourself, whose merits towards me exceed all expression." *Newcastle, July* 20. Not to multiply observations on this letter, it is sufficient to ask, what obligations or acknowledgments were due to Glamorgan, if he had exceeded his instructions in his treaty with the Irish council at Kilkenny? or what possible merit could he possess with Charles, unless he had submitted to such imputation in order to preserve his master's reputation and honour? The letter attests not only the most unbounded affection and confidence, but the authenticity of Glamorgan's commissions, by one which was still more extravagant, to pawn the three kingdoms for a sum of money.

The most plausible part of Hume's argument undoubtedly is, that which is built on Glamorgan's defeazance. I believe myself, that Charles never meant to fulfil the treaty, and that the defeazance was introduced by Glamorgan, to give him a pretext to recede. A similar defeazance was inserted for the same purpose, in the treaty with the Scots at the Isle of Wight; and as he afterwards approved in secret, of Glamorgan's transactions, Hume's argument can

never prove that he was ignorant of the treaty, but that he never meant to fulfil it.

Independently however of his letters, Clarendon's evidence is decisive on the subject. In a letter to secretary Nicholas, he enumerates those transactions which he would not attempt to vindicate in his history of the reign. "I must tell you I care not how little I say in that business of Ireland, since those strange powers and instructions to your favourite Glamorgan, which appear to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction more than you or I were ever thought wise enough to be advised with in. Oh! Mr. Secretary, those stratagems have given me more sad hours than all the misfortunes that have befallen the king, and look like the effects of God's anger towards us!" (Clar. State Papers, ii. 337.) "I could wish the king should sadly apply himself to the part he has to act, that is to suffer resolutely, and to have no tricks. You do not believe that lord Digby knew of my lord Glamorgan's commissions and negociations in Ireland. I am confident he did not: for he shewed me the copies of letters which he had written to the king upon it, which ought not in good manners to have been written, and I believe will never be forgiven him." (Id. 346.) From these extracts it is evident that Clarendon believed the commissions genuine. That his opinion was confirmed upon investigating the subject after the restoration, is farther evident from his silence respecting Glamorgan's transactions in his history, which was finished in 1672, during his exile. From a letter in the Biographia Britannica, (iii. p. 28. Kippis's edition,) it appears that Charles maintained, by means of Antrim, another correspondence with the Irish insurgents, unknown to Ormond.

NOTE XII. p. 348.

The following remarkable passage from Argyle's defence, 1661, coincides with Baillie's information, and explains the secret transactions of the times.

"When the defender came from Ireland to Newcastle, his majesty sent him with instructions to the commissioners in London, (of which commissioners the defender was one,) to hasten the propositions; and privately commanded the defender to take the advice of the duke of Richmond and the marquis of Hertford anent (respecting) what might concern his majesty; and particularly if it was fit that the Scots army should declare for his majesty; whose judgment and opinion was, (which they conjured him to tell his majesty,) that such a course was the only way at present to ruin his majesty; for that he himself knew that neither the nobility nor gentry of England who attended him at Oxford, wished him to prevail over his parliament by the sword; and much less would they endure the Scots army to do it; and that it would make all England as one man against him; and that it was their earnest request to his majesty by any means to give way to the propositions. Which advice he not only faithfully told to his majesty at Newcastle, and to many others there, and to our gracious sovereign, who now is, when he was in Scotland; but also being in the tower, he entreated the lieutenant thereof to propose for him, that the marquis of Hertford, who was then alive, should be examined on this matter; which was put off from time to time because of his majesty's great affairs. And it is most certain that as neither independent nor sectary was able to carry one vote in the house at that time, so it is notorious that they who tendered his majesty most in England, were for disbanding the Scots army; and his majesty staying in England, wherein the defender appeals to the particular knowledge of the earls of

Lauderdale, Loudon, sir Charles Erskine, and the rest of the commissioners then there; and it is of truth, which all know, that so little fear, suspicion, and jealousy, there was of what followed, that the great fear of his majesty's friends in both kingdoms was, that if he fixed on his subjects in Scotland all England would be against him, and probably cast off his government and interest for ever; so that under what representation soever the matter may now appear, (because of the sad sequels,) yet to them who know the matter as it was there stated, what declarations and assurances there were from the parliament of England, and how little fear of the prevalence of sectaries, it did appear to be an act, if not of necessity, at least an act very expedient and convenient for the time." Argyle's Defence against the Grand Indictment, p. 44.

NOTE XIII. p. 365.

HUME rejects the story of the intercepted letter, as a rumour totally unworthy of credit, as it was first mentioned by Roger Coke, a passionate historian, who wrote so late as king William's reign; yet he proceeds to transcribe from Carte, lord Broghill's narrative of the intercepted letter, as more worthy of attention. But it is observable, 1. That Coke was a member of the Rota Club in 1657, and that the report is mentioned by other contemporaries, Dugdale, p. 378. and Herbert, 61. who endeavour in vain to disprove it by arguments drawn from the sincerity of Charles, or from the improbability of his not having a secure mode of correspondence with the queen. 2. The narrative of lord Broghill, (earl of Orrery) preserved by Maurice his chaplain, is distinct and explicit. Cromwell, riding out with Ireton and Broghill, after the latter had relieved them at Clonmell, observed repeatedly, in a familiar conversation, that they had once a mind to have closed with the king, and had he consulted his own judgment, or had his

servants been true, he would have fooled them all. Finding them in a communicative humour, Broghil asked an explanation, to which Cromwell freely answered, that observing the Scots and the presbyterians likely to agree with the king, they resolved to prevent them by obtaining reasonable conditions for themselves. While deliberating on the subject, they were informed by one of their spies of the bedchamber, that their doom was fixed that day; and that it was communicated in a letter to the queen, which was sewed up in the skirt of a saddle, to be sent by a messenger ignorant of the charge, to an inn in Holborn, and conveyed to Dover. "Ireton and I resolved immediately to take horse from Windsor, and watching at the inn in the disguise of troopers, we discovered the messenger, took away the saddle to examine it, and on unripping one of the skirts got possession of the letter. His majesty acquainted the queen that he was courted by both factions, the Scotch presbyterians, and the army; that which of them bid fairest for him should have him; but that he thought he should close with the Scots. Upon this," continued Cromwell, "we speeded to Windsor; and finding we were not likely to have any tolerable terms with the king, we resolved to ruin him." Orrery's Life prefixed to his Letters, Lond. 1742. 3. The same fact is evidently mentioned by Coke, a contemporary, and with the same circumstances by Strype in his notes on Kennet's Complete History, (iii. 170. Edit. 1719,) with this difference in the contents of the letter, as preserved by Coke, that in assenting to Cromwell's proposals, it would be easier to take him off afterwards, than now at the head of his army. 4. The letter itself appears to have existed at a later period. Wagstaff mentions and disputes an averment of Millington's, that the letter was then in his possession; but the fact is the more probable from the authenticity of lord Anglesea's Memorandum on the *leaf*, which was

also in his pos[illegible] he existence of which, Wagstaff, like a true zealot, [illegible] disputed. Strype informs us that Dr. Lane of the commons had seen, as he frequently declared, the original letter in the king's hand writing. Harley, lord Oxford, frequently informed Bolingbroke that he had seen and examined the letter, which was written in answer to one from the queen, that had been intercepted and again forwarded to Charles: blaming him for too great concessions to those villains, Cromwell and Ireton. He replied, "that she should leave him to manage, who was better informed of all circumstances than she could be; that she might be entirely easy as to what ever concessions he should make them, for that he should know in due time how to deal with the rogues, who, instead of a silken garter, should be fitted in due time with a hempen cord." "Thus," said Harley, "the letter ended, which they waited for, and intercepting accordingly, it determined his fate." (Richardsoniana, p. 132.) Here the contents of the letter correspond with Coke; and the circumstance of the first letter from the queen being intercepted coincides with the statements of Dugdale and Herbert, who knew or have communicated no more of the report. Cromwell might employ his spy to procure intelligence of the last letter, in consequence of having intercepted the first. The contents of that letter, in which his *doom was fixed*, though softened by Orrery or his chaplain, must have communicated something more energetic than an inclination rather to join with the Scots; namely, the design preserved by Coke, and recollected distinctly by Harley [illegible]t the conclusion of the letter, to raise and afterwards to ruin Cromwell. A singular traditionary anecdote is certainly a slight foundation for an historical fact. But the concurrent reports of contemporaries, confirmed by Orrery upon the authority of Cromwell, when combined with the existence of such a letter at a subsequent period, must render the fact indis-

putable, that a letter from Charle[illegible] revealed the insincerity of his intrigues with the [illegible] was intercepted by Cromwell, and determined his fate.

NOTE XIV. p. 408.

Lord Anglesea's Memorandum, inserted in a blank leaf of the *Icon*, was as follows. "King Charles the second and the duke of York did both, (in the last session of parliament 1675, when I shewed them in the lords' house the written copy of this book, wherein are some corrections and alterations written with the late king Charles the first's own hand,) assure me that this was none of the said king's compiling, but made by Dr. Gauden, bishop of Exeter, which I here insert for the undeceiving of others in this point, by attesting so much under my own hand. Anglesea." On the discovery of this note at the sale of the library in 1686, applications were made to Dr. Anthony Walker, an Essex divine, for information upon the subject, as Gauden's friend. He declared in effect: That Gauden had informed him of the design, and had shewn him the heads of the divers chapters, with others that were finished: that he attended Gauden to Duppa, bishop of Salisbury, who had the perusal of the MS., and as he understood afterwards, had suggested and added two chapters, on the ordinance against the common prayer book, and on denying the king the attendance of his chaplains: that Gauden afterwards informed him, that he had sent a copy of the MS. by the marquis of Hertford, to the king at Newport in the Isle of Wight: that after a part of the *Icon* was printed, or in the printer's hands, he saw and received from Gauden the latter part of the MS. sealed up in his presence, which he delivered (in London) to Peacock, whose brother was Gauden's steward, on Saturday December 23, 1648, in order to be conveyed, by the intervention of another, to Royston the printer, and afterwards re-

ceived from Peacock six copies of the impression for his trouble; and that Gauden's wife and son, and Mr. Gifford, who had transcribed the MS. believed the fact, of which they had frequently conversed together in Gauden's presence, who assured him, after the Restoration, that the duke of York knew and acknowledged the great service he had done.

Gauden's family were then dead, (Truth brought to Light, p. 35, 1693) but Arthur North, who had married young Gauden's wife's sister, discovered, among his brother-in-law's papers, a letter from Secretary Nicholls to Dr. Gauden, January 1660, informing him, "that the king had received his letter and had him in his thoughts, and that he should not long complain of his removal from Bocking;" together with copies of a petition to the king, and of two letters from Gauden to the chancellor Hyde and the duke of York, urging his great services; pleading that he had a high rack but an empty manger, (the bishoprick of Exeter, to which he had been removed from Bocking, a rich living) and claiming a king-like retribution for what was done like a king. Chancellor Hyde's answer, of which his son acknowledged the hand writing, was also discovered; dated March 13th, 1661-2; acknowleging that he had received several letters from him, and was uneasy under the bishop's importunities; excusing his not being able to serve him; mentioning a plan to annex a benefice in *commendam* to his bishoprick; with this remarkable expression towards the close; "the particular you mention, has indeed been imparted to me as a secret: I am sorry I ever knew it; and when it ceases to be a secret, it will please none but Mr. Milton." Among these papers there was a letter from Mrs. Gauden to her son John, calling the *Icon* the jewel by which her husband hoped to make a fortune; and a long narrative in her own hand writing, to this effect: That the book was written by her husband in order to counter-

act the advantage derived from the public opinion of Cromwell's piety, and to produce a suitable impression of the king's merit: that at first it was entitled *Suspiria Regalia*, with a design to publish it as if found in the king's apartment, on his removal from Holdenby, and was communicated to lord Capel, who approved of the design, but thought it improper to print the book without the king's approbation: that her husband transmitted the MS. to the king at the Isle of Wight, by the marquis of Hertford, who informed him on his return, that his majesty had heard some of those essays read to him by bishop Duppa, of which he had approved exceedingly, asking whether they could be published in some other name, but when told by Duppa of the design, that the world should take them to be his majesty's, he had desired time to consider of it: that her husband then determined to print them immediately, from a copy which he had retained, as the most likely means to preserve his majesty's life: that one Simmons, a suffering divine, was the instrument employed by her husband to get Royston to print the work, under a persuasion that it was written by the king: that the title was then altered by her husband to *Icon Basilike*: but the first impression, when half printed, was discovered and destroyed, which retarded the publication till a few days after the king's execution: that her husband meeting with Dr. Morley after the Restoration, was assured of the great service he had done by the king's book, of which Clarendon had been informed by Morley; but the king was still ignorant of the real author: that the duke of Somerset (Hertford) being dead, Gauden, then bishop of Exeter, disclosed the secret to Charles II. for the truth of which he appealed to Duppa, his majesty's tutor, who was still alive, and obtained a promise of Winchester when vacant; but on Duppa's death, Morley was preferred to that see, and her husband to Worcester, which he did not long enjoy.

(Walker's true Account, &c. Truth brought to Light. Toland's Amyntor.) On the subsequent publication of Clarendon's History, the secret which he was sorry he ever knew, and which, when it ceased to be a secret, would please none but Milton, was explained incontrovertibly by his total silence concerning the Icon; for which Warburton's dogmatical and absurd assertion affords no solution, viz. that Charles II. and the duke of York believed on the word of Gauden, and what they believed Clarendon believed too; (Notes on Neal's Hist. Warb. vii. 920.) as if they were utterly indifferent to their father's memory, or as if, in a professed vindication of his reign and character, Clarendon were as credulous and indifferent, and as easily imposed upon as themselves. The evidence was confirmed afterwards by bishop Patrick (Whiston's Life, 295.) and by Burnet in the History of his Own Times. The duke of York informed him in 1673, on the assurances of Somerset and Southampton to himself and the king, that it was not the composition of their father, but was written by Gauden, to which Clarendon's subsequent expression in 1674, undoubtedly alludes. When informed, during his exile, by a verbal message which his son brought from Morley, that all people about the king had endeavoured to possess him with a mean opinion of his father, and to persuade him, (apparently the son's interpretation of the message) that his father was not the author of the book which goes under his name; "Good God!" said Clarendon, "I thought the marquis of Hertford had satisfied the king in that matter." (Wagstaff's Defence, 37. Vindication, 47.) But as Somerset had certainly assured the king, that it was written by Gauden, those ambiguous words were employed by Clarendon to conceal from the son a state secret, which, instead of being divulged, as was done by Charles and his brother, to Eristol, Burnet, An-

glesea, and probably to others, should have been confined to Morley and to Clarendon himself.

To remove all doubt upon the subject, the discovery of Gauden's letters to Clarendon renders the preceding evidence compleat. In his first letter, on his removal to Exeter, he complains bitterly of the poverty of the see as unsuitable to his deserts. "Nor am I so unconscious to the *service* I have done to the church and *his majesty's family*, as to bear with patience such a ruin so undeservedly put upon me. Are these the effects of his liberal expressions, who told me, that I might have what I would desire? I was *too modest* and ingenuous, &c. I shall ever be able so far to vindicate myself as *to let the world see*, that I deserved either not to be made a bishop against my will, or to have been entertained in that office to my content. Her (Mrs. Gauden's) pious, loyal and generous spirit *is too conscious* to what I have done both known and *unknown to the world*, (in order to *buoy up the honour of the royal family*, the church and episcopacy) to bear with any temper the straits to which she sees me, herself, and her children exposed. If your lordship will not concern yourself in my affairs, (who can easily find ways to ease them, and by *your repeated expressions*, invited me to repose myself on your care of my content,) *I must make my last complaint to the king*; and if his majesty have no regard for me, but leaves me to deplore and perish, as neither a considerable enemy nor friend, I will yet retire to God and my conscience, where I have *the treasure of these thoughts which I am sure every one cannot own*, who think themselves so much worthier than myself.—There needs *some commendam* of 400*l.* per ann. at least, to be added to the revenue of Exeter," &c. St. Thomas's day, 1660. (Clarendon's State Papers, iii. Supplement, 26.) In the next letter his intimations are still more explicit. "*Dr. Morley* once offered

me my option upon the account of *some service* that he thought I had done extraordinary for the church and *royal family*, of which he told me *your lordship was informed*. This made me *modestly secure* of your lordship's favour, though I found your lordship would *never own your consciousness to me*, as if it would have given me *too much confidence of a proportionable expectation*, yet still I found your lordship's expressions to me free and friendly:—Sunk I am, &c. extremely displeased to find myself despised and dejected upon the account of a modesty which I was loath to own myself *so far as I might*, because I knew your lordship, and others of great influence in disposing of preferments, *knew my service and merits*, to be no way inferior to the best of your friends or enemies. Nor do I despair either of the king's, or your lordship's favour so far, but you will have some pity for me, when you can have no further service of me, *who have done that service which no age will forget*, or *cease to admire*, though my honour and fortunes be buried in banishment, poverty, obscurity." Morrow after Christmas day, 1660. Id. 28.

As if these intimations were insufficient for Clarendon, who was unwilling to acknowledge what he was sorry he ever knew, Gauden, in his next letter, brings the question openly to the test, and demands an addition of 500*l.* a year, *in commendam*, till otherways provided for. "Nor will your lordship startle at this motion, or wave the presenting it to his majesty, if you please to consider the pretensions I may have beyond any of my calling, not as to merit, *but duty performed to the royal family:* True I once presumed your lordship had fully known that *arcanum*, for so Dr. Morley told me at the king's first coming, when he assured me I might have any preferment I desired. This consciousness of your lordship (as I supposed) and Dr. Morley, made me confident my affairs would be carried on to some proportion of what I had done and he thought deserved. Hence my silence of it to your lordship: as to

the *king and duke of York*, whom before I came away *I acquainted with it*, when I saw myself not so much considered in my present disposition as I did hope I should have been, what sense their royal goodness hath of it is best to be expressed by themselves, nor do I doubt but I shall, by your lordship's favour, find the fruits as to something extraordinary since the service was so: not what was known to the world under my name to vindicate the crown and church, *but what goes under the late blessed king's name*, the *Icon*, or portraiture of his majesty in his solitudes and sufferings. *The book and figure was wholly and only my invention, making and design*, in order to vindicate the king's wisdom, honour and piety. *My wife indeed was conscious to it*, and had an hand in disguising the letters of that copy which I sent to the king in the Isle of Wight, by the favour of the late marquis of Hertford, *which was delivered by Duppa the now bishop of Winchester*: his majesty graciously accepted, owned and adopted it as his sense and genius, not only with great approbation but admiration he kept it with him. I did lately present my faith in it to the *duke of York, and by him to the king*; both of whom were pleased to give me credit, and to own it as a rare service in these horrors of times. True it is I played this best card in my hand something too late. Thinking myself secure in the just value of Dr. Morley, *who I am sure knew it*, and told me *your lordship did so too*.—I only desire I may be considered as a person able and willing to serve the king *as that book has testimony enough*." January 21, 1661-2. (Id. 29, &c.) Clarendon's letter among North's papers (March 13, 1661-2,) acknowledging the receipt of different letters, and his uneasiness under the bishop's importunity; excusing his inability to serve him; approving the plan of annexing a benefice in *commendam* to his bishoprick; and concluding that the particular which Gauden mentioned had indeed been communicated to him as a secret, that he was sorry he ever knew it, and that when it ceased to be a secret, it would

please none but Milton (the *Iconoclast.*) is an evident answer to these and other letters, (the last is dated March 6,) containing probably the petition to the king.

His letters to the earl of Bristol are in the same strain; first intimating obscurely some secret service which might enable him to aspire even to the see of Winchester, and afterwards surprised to find that his lordship had discovered the great *arcanum* to which he must have obtained the key from the king or the duke. (Id. 95—6, &c.) But as Clarendon had every motive to vindicate his master, and to rid himself of such an importunate suitor, so he had every means of detection in his hands. Morley, his domestic chaplain abroad, who had informed him of the secret, and assured Gauden of preferment on the king's return, had attended Charles I. at Newport, with Duppa, who carried the *Icon* thither, and from whom alone he could have learnt the fact. The purport of Somerset's recent assurance to Charles II. was known to Clarendon; and Juxon, said to have received the Icon in 1647, and to have employed a person to methodise and arrange the chapters, was still alive to attest the fact. Duppa himself, to whom Gauden appeals on the 21st of January, 1661, survived till the 26th of March, 1662; (Id. 96.) and Gauden, destitute of any other claim than the Icon, to church preferment, and obnoxious from having formerly received the covenant and disused the liturgy, was actually removed to Worcester, when disappointed of Winchester, which Morley obtained. The evidence therefore of his widow, and of his friend Dr. Walker, is confirmed throughout by his appeal to the only other person alive in England, to whom, on Somerset's death, the fact was personally known; and his claim to the *Icon* was fully recognized by Clarendon, on his translation to Worcester, in consequence of his importunate plea of services, at the only period when the truth could be ascertained.

The evidence for the authenticity of the Icon, affords a melancholy proof of the fallacy of human testimony, wherever the religious, the political, or the national prejudices of men intervene. In fact the direct evidence for the authenticity of the Icon consists only of three witnesses: 1. Major Huntingdon, whose reports to Beck, Walker and Duck, are certainly contradictory; but whose information to Dugdale is, that at the king's most earnest request, he procured and restored to him, from Fairfax, the Icon bound in vellum, which had been lost with his cabinet at the battle of Naseby; that the chapters, as he well remembers, were in *Sir Edward Walker's hand writing*, with *interlineations* by the king; but that the prayers were all written in the king's own hand. (Dugdale's Mem. 163.) To bring this evidence directly to the test, Sir Edward Walker, who maintains the authenticity of the Icon, in opposition to Lilly, refers his opponent to an anonymous pamphlet, the Image Unbroken, instead of attesting the fact, that he had transcribed the chapters himself, the strongest proof of their authenticity which it was possible to produce. But he informs us that his Historical Discourse on the Civil Wars was undertaken at the king's request; that it was presented to him in April 1645; delivered to Digby to revise, and actually lost at the battle of Naseby; but that it was recovered two years afterwards from Cromwell, and delivered by an officer of the army to the king at Hampton court. (Hist. Discourse, p. 228—46.) It appears also that Walker's Historical Discourse was actually altered and interlined by the king himself. (Wood's Athen. Oxon. ii. 702.) Such then was the only book in Sir Edward Walker's hand-writing, which was lost at Naseby and returned by Huntingdon, the officer, to the king. At the distance of three years, he converts it, without scruple, into the Icon, which should teach historians how to estimate his veracity in the noted apology for resigning his command.

evidence seems also to have been confirmed by colonel Hume, who had been desired to be in readiness that night of the incident, (Hardwick's papers, ii. 301.) and from whose deposition it is said that much of the plot was discovered. Murray, as might be expected from the situation and historical character of the man, denies any knowledge of a design to draw Argyle and Hamilton to a conference at court. But he confesses that he introduced Cochrane to a secret audience, and acknowledges a conversation with Montrose which he communicated, and three letters which he conveyed to Charles. The explanation given by the king of Cochrane's audience was, "that when he came in he shewed me that he had some matters to impart to me, which *did nearly concern the welfare of my affairs*, but adjured me not to reveal them, which on my word I promised to him." Balfour, 112. The proposed arrest of Argyle and Hamilton must appear therefore to be indisputable, when reluctantly acknowledged by Cochrane and Crawford. But it is not at court that a design is formed, or even a proposal is made, to arrest a nobleman, without the approbation, or some reason at least to expect the concurrence of the king. 2. No satisfactory explanation was given of the letter from Montrose, "that he would particularly acquaint his majesty with a business which did not only concern his honour in a high degree, but the standing and footing of his crown likewise." It had no relation to Stewart the commissary's accusation of Argyle, which had already been transmitted to Charles before Stewart was tried. It must have referred to Hamilton's supposed intercourse with the covenanters, or to their mutual correspondence with the English puritans, or more probably to both. In a letter published by lord Hailes (Mem. and Letters, ii. 124.) Wariston intimates so early as the treaty, (April 21st, 1641,) that his (Charles's) mind seems to be on some projects here shortly to break out; he is certainly put upon this to stick

on the act of oblivion, both for to save Traquair, if he grant it, or to ensnare any *English whom he apprehends to have had any intercourse with us*, if he grant it not." Burnet. Wariston's nephew, who could not well be mistaken in the fact, informs us that the king, in pursuance evidently of this design, had discovered the engagement forged by Saville, and pressed his uncle to deliver it up. The fact is confirmed by other historians, with this addition, that it was the foundation of the impeachment which Strafford was prepared to bring against the popular leaders, when he was impeached himself. (Acherly, Oldmixon). Franklyn (Annals, 906.) and Nalson (ii. 810.) assure us, that the information against the six members was obtained in Scotland, when the king was there; and although the ICON BASILIKE be the composition of Gauden, yet, in the following passage it may contain a court secret, "I had discovered, as I thought, the unlawful *correspondence* they (the six members) had used, and the *engagements* they had entered into to embroil the kingdoms; of all which I *missed but* little to have produced writings under some men's own hands, who were the chief contrivers of the following innovations." (Charles's Works, 650.) This passage can apply to no engagement (for there were none in writing) but Saville's forgery, which Charles sought so eagerly, and "missed so little," to procure from Wariston. From these passages it appears that he was extremely solicitous, during the treaty, to obtain possession of the forged invitation, and that the materials of his accusation against the six members were discovered in Scotland. The discovery of their unlawful correspondence was, therefore, a principal object of his journey; and when the authority of Clarendon is added, "that Montrose informed him of many particulars from the beginning of the rebellion, and that the marquis of Hamilton was no less faulty and false towards his majesty than Argyle," there is no room to doubt the source

attend the king at Newport, and the supposition that different copies were sent by Simmons to different presses, is a mere conjecture to remove contradictions. Dr. Canaries was informed by his father, that he was told by Mr. James Wood, a clergyman attending the Scottish commissioners at Breda, that Charles II. shewed him while there, the whole book written in his father's hand, together with the letter from his father (the 17th chapter of the Icon) concerning it; both which he compared with different letters from Charles I. and was convinced that they were written with his own hand. (Wagstaff's Vind. 17.) Had this been true, Clarendon and Charles II. could have been at no loss to have silenced Gauden's importunate claims, but Dr. Canaries's veracity is expressly refuted and ruined by Burnet, whom the duke of York assured, not only that the book was not his father's, but that the letter to the prince of Wales was never brought to him. Hearne, formerly Sir Philip Warwicke's servant, declared in 1692, that he had often heard his master (Warwicke), Mr. Oudart and Mr. Whitaker declare, that they (all) had transcribed copies from the king's own copy, written with his own hand, (Holingsworth's Further Defence, 9.) but when Warwicke's Memoirs were afterwards published, it appeared that he had never seen, much less transcribed the MS. of which he had no knowledge except from Herbert and Levett. A single MS. in the king's hand-writing would have been decisive evidence; and when Herbert's Memoirs were preserved in the family till published in 1711, when the copy of Shakspear, which he received from Charles, is still extant, the MS. bequeathed by his royal master was certainly not destroyed. On the contrary, had it been actually written with the martyr's hand, it would have been preserved as a relick among the MSS. which Herbert gave to the public library at Oxford, or to the cathedral at York, a little before his death. The question put by Walker and Toland, Where is this MS.? and why

have none of those autographs been since produced? has never been answered. Wagstaff replied in 1693, that it was probably still in Sir Thomas Herbert's study, (Defence, 85.) but when he procured in 1711, an attested transcript from Herbert's Memoirs, in his widow's custody, (Vind. 84.) the plain and only conclusion is, that no such MS. existed in the king's hand-writing, which, in a controversy begun within ten years after Herbert's death, a numerous party, so diligent in its researches for hearsay evidence, could not have failed to discover and produce.

But the chief evidence for the authenticity of the Icon is Le Plas's declaration, (Wagstaff's Vind. 64.) that one Allan, his tithe-gatherer, told him, that Gauden told him, that he had borrowed the book which he was obliged to return by a certain time; and that Gauden therefore sat up all night to transcribe the book, while Allan attended to snuff the candles and mend the fire; and Le Plas thinks, but is not positive, that Allan said it was borrowed from Simmons. In those times of suspicion and danger, Gauden undoubtedly would conceal from Allan, that the book which he transcribed in such haste was his own, and would pretend that it was borrowed to be immediately restored; but this is no more a proof that the book was actually borrowed from Simmons, than the letters patent, that the Icon is genuine because it is enumerated among the king's works. Simmons living in London, would not have trusted the king's image when in haste to print it, to Gauden in Essex; and Walker, lord Warwicke's chaplain, who carried up the latter part of the MS. with the frontispiece to London in a trunk containing lady Warwick's points, delivered it to Peacock on Saturday December 23, in the evening, the very day that Royston received it from Simmons, with whose danger from the soldiers, on the seizure of the first proofs or impression, Walker seems to have been minutely acquainted. Mrs. Simmons declared that her husband assured her, that the book was the king's,

but that he concealed the persons from whom he received it; as if it were certain that Simmons himself, who might have been persuaded as easily as he persuaded Royston, that it came from Duppa, was entrusted with the secret, or would have considered the secret as safe with his wife. Holingsw. Further Defence, 3, 4. Wagstaff's Def. 90.

The rest of the hearsay evidence, of what Huntingdon, Manchester, Prinn, and Juxon were said to have told to others, is in the same strain. One declares that his father, Sir Jeremy Whichcott, assured him that he had borrowed the Icon (Sir Edward Walker's Historical Discourse) from Huntingdon, and transcribed seventeen chapters before it was restored; another that his father, Dr. Dillingham, told him, that he had pulled out the corner of a sheet of paper from a black box in the king's closet at Holdenby, and reading some sentences, recollected them again, word for word, when the Icon was published: a third was told by Sir William Morton, that he had received a paper, during a march, by mistake from Charles, which he restored immediately, and remembered distinctly a single sentence contained in the Icon; and a fourth, Ambrose Mildmay, had heard from Anthony Mildmay, that he had received a bible from the king, in which many of the verses recited in the Icon, were marked with his pen. (Wagstaff's Vind. 72. 98. Holingsworth's Further Defence, 7. Wags. Def. 89.) Mrs. Rhodes and her son declared that Dr. Rhodes had conducted Charles in disguise, from Newark to Oxford, and afterwards attended him in the Isle of Wight, in all which places he had seen the Icon; as a proof of which the scissars with which the king clipped his beard on leaving Newark where Rhodes resided, had been preserved in their family till lately lost. (Wags. Vind. 90.) They had heard and remembered indistinctly, that Charles had escaped in disguise from Oxford to the Scottish camp at Newark, and in their zeal to attest the Icon, converted that circumstance

into his escape from Newark in disguise to Oxford, without which their father had no opportunity to attend the king. Sir John Brattle and his father were employed by Juxon to arrange the loose chapters of the Icon when recovered, (Holingsw. Def. of the Icon, 7.) as if Juxon would have delegated such a task; but the book restored by Huntingdon was bound in vellum, and appears so clearly to have been Walker's Historical Discourse that all evidence on that subject is an absolute fiction. I presume that no one will now venture to defend the authority of the Icon; but if ever a literary imposture were excusable, it was undoubtedly Gauden's, and had it appeared a week sooner, it might have preserved the king.

NOTE XV. p. 416.

See in Wishart, Append. 12, 13, 15. the king's letters to Montrose from St. Germains and Jersey. In the first he empowers Montrose to borrow money from the senate of Hamburgh; one half to be employed in his own preparations. *September*, 1649. In the second, "I intreat you to go on vigorously and with your wonted courage and care in the *prosecution of those trusts I have committed to you*, and not to be startled with any reports you may hear, as if I were otherwise inclined to the presbyterians than when I left you. I assure you I am upon the same principles *I was*, and depend as much as ever upon your undertakings and endeavours for my service." *Sept.* 19, 1649. Montrose had therefore received a special commission or instructions, as Clarendon intimates, not as Hume represents it, a mere renewal of his former commission as captain-general. (Vol. vii. p. 177.) In the third letter, inclosing a copy of his invitation from the Scottish estates, and of his answer appointing a treaty at Breda, Charles adds, "and to the end you may not apprehend that we intend any thing by these letters, or by the treaty we expect, to give *any the least impediment to*

your proceedings, we think fit to let you know, that as we conceive your preparations to have been one effectual motive that has induced them to make the said address to us, so your vigorous proceeding will be a good means to *bring them to such moderation* as probably may produce an agreement and a present union of that whole nation in our service." Charles, therefore, encouraged and incited the invasion as the means to quicken or to procure an agreement on his own terms. "Therefore," he concludes, "we require and authorise you to proceed vigorously in your undertaking, and to act in all things in order to it, as you shall judge most necessary for the support thereof, and for our service in that way." Id. Clarendon's State Papers, iii. App. 94.

NOTE XVI. p. 421.

The lines written by Montrose with a diamond on his prison window, the night before his execution, are mentioned by Hume as no despicable proof of his poetical genius.

Let them bestow on every airth (cardinal point) a limb,
Then open all my veins that I may swim
To thee, my Maker, in that crimson lake;
Then place my parboiled head upon a stake;
Scatter my ashes, strew them in the air,
Lord! since thou know'st where all these atoms are,
I'm hopeful thou'lt recover once my dust,
And confident thou'lt raise me with the just.

If these turgid verses are still admired, the reader will be surprised to learn, that the sentiment itself is not original, but derived entirely from the *Historia Persecutionum Ecclesiæ Bohemicæ*, first published at Leyden in 1647, and

again in 1648, while Montrose was abroad. Among the twenty-seven Bohemian patriots, or protestant martyrs executed after the battle of Prague, Henricus Otto de Loss, when sentenced to be dismembered, exclaimed, "Mittant tamen partem mei Romam, aliam partem in Hispaniam, aliam item in Turciam, alias trans mare, quocunque lubescit: Credo ego Servatorem meum tamen has congregaturum, et circumdaturum me cute mea, ut his oculis eum videam, his auribus audiam, hoc ore laudem, hoc corde exsultem, in æternum." (p. 248. 12mo. 1648.) The imitation is obvious; and in 1649, Montrose was actually at Prague where the Bohemian patriots had suffered. But the sentiment which was truly heroical, and appropriated to the occasion when uttered, becomes quite extravagant, or rather ludicrous when converted into verse.

The epitaph written by Montrose with the point of his sword, on the death of Charles I. is in the same strain of bombast.

Great, good, and just! could I but rate
My griefs and thy too rigid fate,
I'd weep the world to such a strain,
That it should deluge once again:
But since thy loud-tongued blood demands supplies,
More from Briarius' hands than Argus' eyes,
I'll sing thy obsequies with trumpets sounds,
And write thy epitaph with blood and wounds.

Wishart's App. p. 60.

NOTE XVII. p. 423.

The passage in Baillie explains the state of parties at the time. "You know too much pleading was for the justice of beheading the king, whatever fault was in the actors. Mr. Guthrie and Mr. Gillespie's debates were pas-

sionate against proclaiming the king, till his qualifications for government had first been tried and allowed. You may remember the labour that was taken to hinder the addresses to the king," (Invitations from the Estates and Church,) "and how like it was to have prevailed, *had not the reason, authority, and diligence of Argyle overswayed it.* And for all that could be said, the voting of Messrs. Guthrie, Gillespie, Hutcheson, and Durham, that no commissioner should be sent till a change in the king should appear, and when it was carried to send commissioners, the great study of some to make their commissions so rigid, that few had any hope the king would ever assent to them; and when, above hope, the king did yield to them, the industry of the same men to get new instructions posted away to Holland, which, had they come thither before the king's embarking, were expected by all should have ruined the treaty.

NOTE XVIII. p. 428.

"It appeared strange to me when I heard Wariston and Mr. Guthrie speak it out, that it would take a long debate to clear from the covenant the lawfulness of a war with Cromwell and his party; yet in a short time, it appeared that the quarrel of the king, or covenant, *or any quarrel tending to a war with England*, became to diverse more questionable than it wont to be: whether a fear of the troubles of war, or a despair of conquering the king to the public, or their own personal interest, or a desire to keep the government not only in the same form, but in the same hands it was in, drew them to these changes of former professed principles I cannot say.—Yet, when the king was brought to Scotland, to do what either the kirk or state had required, and upon this agreeance, the noise of Cromwell's march towards us was grown loud, Sir John Chiesly, Hope, and Swinton, kept off, by their debates in parliament, the

raising of our armies so long that we were nearly surprised; and when our army was got together at Leith, the same men helped, by their continual cross-debates, to keep all in confusion. Their strange affronting of the king at Leith, their putting him to a new declaration, and when he stuck at some hard expressions concerning the persons of his father and mother, their procuring from the kirk and state that terrible act of disclaiming his interest of the 13th August; that same night, without the kirk's knowledge, printed it and sent it to Cromwell with a trumpet." (Baillie, ii. 353.) Confirmed by a letter from Douglas to Sharp. (Wodrow's Hist. Intro. 43.) From these, and from the intermediate passage quoted in the preceding note, it appears that there was a party adverse from the beginning to the king, or to a war with England, but overruled by Argyle.

NOTE XIX. pp. 466-7.

Ab iis cum ab initio multa utiliter essent excogitata, ut jus æquabile diceretur, tamen qui sperabatur eventus non est consecutus. Nam cum in Scotia, nullæ pene sint leges, præter conventuum decreta, eaque pleraque non in perpetuum sed in tempus facta, judicesque, quod in se est, lationem legum impediant, *omnium civium bona quindecim hominum arbitrio suum commissa, quibus et perpetua est potestas, et imperium plane tyrannicum, quippe quorum arbitria sola sunt pro legibus.* Buchan. Hist. Lib. xiv. p. 273. Henry's Hist. vi. 527. 4to.

If Buchanan be rejected as severe or partial, the opinion of Johnston, a courtly writer, is still more unfavourable.

Hac tempestate (1597) *totus ordo judicum*, paucorum improbitate et audacia, *infametus*. Inveteravit tum opinio, et omnium sermone percrebuit, *pecuniosum hominem neminem potuisse causa cadere*. Alex. Regius, Advocatus acer, et ve-

hemens, illam labem et ignominiam ordinis callide observans, *a clientibus suis pecuniam accepit, quam corruptis judicibus, pro suffragiis, divideret.* Hæc et *similia* in causa fuere, ut *totus ordo gravi diuturnaque infamia* laboraret. Neque enim aliam ob causam, plebs ministrorum tribunitiam protestatem tanto studio prosecuta est, nisi ut in concionibus audiret, *judicum officium male ac flagitiose exerceri; judicia turpia ac flagitiosa fieri.* Johnst. Hist. p. 231.

Under the administration of Arran, James's first favourite, the corruption was unbounded. (Scotstarvet. Robertson's Hist. ii. 127.) Dunbar's administration was not more pure, though more decent. (Johnst. 396.) There is no evidence that the court recovered its purity under the administration of Somerset or Buckingham, before it was reformed by the covenanters; on the contrary, Spottiswood the president, and Hay the clerk register, laboured under the suspicion of bribery; and their corruption, as judges, was fully verified by Balmerino's trial.

NOTE XX. *p.* 473.

The average price of wheat was 13*s.* 3*d*, the best or dearest, 17*s.* 3*d.*, the boll (about half a quarter); but the bread corn of the country was barley and oats. The average price of the former was 13*s.* 8*d.*, and of the latter 10*s.* 4*d.* the boll; but in 1649 they rose to 14*l.* and 15*l.* Scots (1*l.* 3*s.* and 1*l.* 5*s.* sterling); and sunk in 1654 to 4*l.* Scots, or 6*s.* 8*d.* the boll. By an act for the monthly maintenance, provisions were purchased by the military at a regulated price; oats at 6*s.* 8*d.* the boll; oat bread of 20*oz.*, wheat of 16*oz.* at 1*d.* the pound; a live sheep, at 4*s.* 2*d.*, the carcase at 3*s.* 4*d.*; a lamb at 1*s.* 6*d.*, a kid at 20*d.*, a live cow at a guinea, a capon at an halfpenny, a hen at three farthings; ale and milk at the same price, not to exceed one penny three farthings the Scotch pint. If these were lower than the current prices, the latter were probably raised by the

civil wars. But the cheapness of animal food was at once the cause and the effect of a rude cultivation. The state of agriculture was too defective to produce grain at a cheaper rate, or in greater abundance, than butcher's meat. It was not till after the union of the kingdoms, that the advanced price of cattle in the English market enabled the farmer to accumulate a capital for the improvement of his lands.

NOTE XXI. p. 501.

Locke's account has been generally discredited, viz. that the proposals of the French ambassador and Monk's consent to assume the government were overheard by his wife, who was zealous for the restoration, and communicated by Clarges, her brother, to Sir Anthony Ashley Cooper, who summoned the council of state, locked the doors, indirectly accused Monk of the design, and did not permit him to depart till, to remove all scruples, such alterations were made in the army as rendered it no longer subservient to his views. (Locke's Works, vol. iii. Echard.) Locke received the account from Shaftesbury himself. It was probably contained in that statesman's memoirs, which, on the trial of Algernon Sidney, were destroyed by Locke. The only real objection to this account is the suspicion entertained of Shaftesbury's veracity; but a remarkable coincidence of circumstances seems to confirm the fact. 1. It is certain that Mazarine tendered his support and assistance to Monk, if he would assume the government; and it is said that Bourdeaux the French ambassador, as his intelligence of Monk's designs was disproved by the event, was recalled in disgrace. (Philips, 695. Echard.) 2. It appears that upon information communicated by Clarges of what he himself knew, and of what he had learned, the doors were locked, and the council of state was informed by Ashley Cooper that he had received intimation of a

dangerous design, &c. 3. That an additional reform in the army actually took place, of which Burnet was told in general that a small share only belonged to Monk, (i. 133.) Philips, who, from the perusal of Monk's papers (Wood's Oxon.) has preserved these facts, endeavours to explain them away by assuring us that nothing but general professions passed at the interview with the French ambassador; that Clarges applied to Shaftesbury to extricate Monk from the importunities of Scot, Hazlerig, and the republicans who pressed him to assume the government; but that the general, to exculpate them, humanely declared there was no such danger in agitation, as they had departed well satisfied with the proceedings of parliament. Unless suspicious of his designs, it is not likely that Clarges would apply without his permission, and (as Philips informs us) communicate his own suspicions to the council of state to relieve him from importunity. But it is evident that Philips's explanation is too apologetical, to remove the remarkable coincidence between these circumstances and Locke's narrative. Philips, 692.

END OF THE THIRD VOLUME.

T. Gillet, Printer, Crown-court, Fleet-street.

revived; and some slight incursions, memorable as the last that were made into England, were afterwards severely repressed and punished.[5] BOOK I. 1603.

Preparations for his departure were also made; and when reminded on Sunday, by an officious preacher, in the church of St. Giles, that his accession was exclusively the work of God, he arose, at the conclusion of the sermon, and addressed the people in a long harangue; recapitulated the numerous proofs of his affection in the transactions of his reign; professed that his power was only enlarged in order to promote their welfare, and promised to revisit the country every third year, that his subjects might pour their complaints into his paternal bosom. His expressions respecting the church were obscure and guarded; but when he intimated his approaching departure, the people, presaging the loss of their ancient sovereigns, burst into loud lamentations and tears. The departure of his queen was delayed some weeks: the administration was committed to the privy council and the officers of state; to the earl of Montrose the chancellor, to Sir George Hume treasurer, to lord Balmerino the secretary; and his children, Henry, Charles, and the princess Elizabeth, were distributed among different noble families. His journey commenced on Tuesday the fifth of April. On the second day, with a train selected from the principal nobility, he was received by the English garrison into Berwick; the fortifica- His departure from Scotland. April 5.

[5] Spottiswood, p. 476. Stowe's Chron. 819.

BOOK I. 1603.

tions of which, after an interval of an hundred and twenty years, were again surveyed with admiration by the Scots.[6]

State of that kingdom.

James, established now on the throne of Britain, had reached the summit of his fortune and ambition; and, by a singular felicity, he whose birth was disastrous to his parents, whose infant reign was calamitous to his subjects, and whose person was the alternate prize of contending factions, had attained, without the aid of distinguished merit, and almost without an effort, to the undisturbed possession of three kingdoms. Whatever he had meditated for the improvement, or concerted for the better regulation of his paternal dominions, remained now to be executed; and certainly the situation of Scotland afforded ample scope for the exercise of his political wisdom. The country, agitated during his minority with civil dissensions, and often ravaged by internal war, remained, on the return of tranquillity, exhausted and debilitated; without industry, and destitute of resources to prosecute schemes of remote aggrandizement. Its trade was limited to a few towns, and consisted of wool, hides, and the more precarious produce of its mines and fisheries, exported in small barks of little value, and exchanged for whatever articles of utility or luxury were requisite for the supply of its domestic consumption. Wherever the rude products constitute the staple commodities of a country, large or important ma-

[6] Johnst. Hist. 361-2. Spottisw. 476. Calderw. 472.

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